Downes - Wiley

A Conversation on Open Educational Resources

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Introduction

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Part One - Providing, Supporting and Producing OERs

Segment 1 (9:00-10:30)

Recorded audio: http://www.downes.ca/files/audio/downeswiley1.mp3

- What are *OERs* and Why do we want Them? What's Our Objective Here?
- *Providing* Learning vs *Supporting* Learning
- Perspectives on OERs: Users and Producers
- OERs Created by Providers vs. Created by Community

Moderator: Chris Lott

Chris: We have four sessions planned today, so the road map is that we'll start with producing, supporting, creating OER materials. What does that mean? What is it? Talking about, the second session, education licensing. We'll then move onto institutions, accreditation and commercialism, and what does that whole problematic entail? Each of these could be a full day long easily and finally...

Stephen: A semester long.

Chris: you know, what's next - yeah, a whole semester, a whole class - what's next and why do we bother with this and where are we happy? Which I think this conversation is uniquely poised at the beginning of this important conference following this conversation, so it will be interesting to see how it plays out. David and Stephen really don't need much introduction from me, but just to quickly note:

Stephen Downes is Senior Researcher for the National Research Council of Canada's Institute for Information Technology, which is part of the Learning and Collaborative Technologies group. I had to write that down, I couldn't remember it. You probably know him from extensive key notes, presentations, OLDaily of course, which you should be subscribed to or reading if you're not already, hard to believe any of you wouldn't be.

And then we have David Wiley, who's the Associate Professor of Instructional Psychology and Technology at Brigham Young University, Chief Openness Officer of Flat World Knowledge, and founder

of the Open High School of Utah. So you can find David at open content dot org, and you can find Stephen Downes, of course, at Downes dot CA. So if you're not reading them already you should be. And with that I will kick it off, hand it over to Stephen and David to get started. Again, use the hash tag and Twitter if you have any comments or questions and we'll work them into the conversation. That's it, it's all you.

David: Who is moderating this first block?

Chris: I am. Chris Lott.

David: Very good.

Chris: Yes. We'll have different moderators sitting in the hot chair over there, trying to work in the conversation, but you can always come to me if you have questions or anything on the logistics of what's happening here today.

David: Now we're supposed to talk to each other..

Stephen: For how many hours?

Chris: Ninety minutes to start.

Stephen: Okay, I'll get started here. Those, those of you who know David or myself know that we share a great deal in common, and in particular a dedication toward open educational resources and open education generally, along with a host of other things. Those of you who know us also know that for who knows how many years now we've had an interminable series of arguments about some basic concepts related to openness, openness in education and all of the rest of it.

Last May, during one of those...

David: You found the date.

Stephen: I found the date, I actually found the post.. and now I've lost it. Oh wait, hang on. Last, last May, May seventh to be precise, I posted, and I quote: "David Wiley responds to comments including one of mine and in the comments I strive to find the fundamental disconnect between Wiley's view and my own. He replies here, there's a link there in my post, leaving me with a number of points to answer. What the two of us really need to do of course is to sit down for a day or three and have a conversation about these issues and then have it transcribed and post it as an open book. I'd make the time."

 Now it's really easy to throw something like that out when it's late and you're trying to get a newsletter out for the day. Surprisingly David writes back and says 'I'll do it.'

David: I'm coming to Canada, Vancouver's close because that's in Canada, let's get together.

Stephen: The other side of Canada. Anyhow. So that's the genesis of this, is one of our interminable disputes. We've set up the schedule and the, the schedule is available online, on the open education conference pages, the website.

And roughly we've broken the discussion into four major segments: the first segment on providing, supporting, producing open educational resources; the second on education, learning and licensing; the third on institutions, accreditation and commercialism; and then fourth on what's next, why bother?

I need to set this up a little bit too because, not to discount the people in the audience, but this is intended as a conversation between David and myself. And we've deliberately not promoted it all over the place because we didn't want to create some sort of spectacle. And so here we are in this beautiful courtroom (laughter) with an audience and live streaming.

But that basically is going to be the format and so we really do want to reiterate, feel free to leave at any point if you find more urgent business like watching grass grow or whatever outside, we won't feel at all insulted. We are going to be monitoring the Twitter because if you're sitting there and have to get a comment out and don't want to be like completely fed up, we will be monitoring it so your comments, or at least a hundred and forty characters of it, will be seen and heard. The same for people who are watching the live streaming, both of you.

We will be watching the Twitter so you can get comments in to us. There may be time, should the conversation lag at any given point, for the, for sort of discussion. You know, we may at that point entertain comments and suggestions, etcetera, from the audience. But really the point here is for David and myself to engage in a, in a sustained examination of these issues, to get as deeply into them as possible through dialogue, and perhaps even to resolve the differences that we have between each other. That would be pretty cool and I hold out hope that that is possible.

You know, despite the fact that we come from very different starting points I think, and I really do think we come from like completely opposite ends of the spectrum as a starting point, despite that I do think that there is common ground, and in defining that common ground we can come up with some sort of idea of what the whole concept of open educational resources looks like.

The first item on the agenda therefore is: what are open educational resources and why do we want them? What's our objective here? I think that's probably a good place to start because even there I think we may be coming from a different place, and my presumption right off the bat, you're coming from a university background, you're a working academic, a professor; me, although I have an academic background, I'm not in a university now, I'm thinking outside the university context, and indeed what happens outside the university context is very important to me. But I'll turn it over to you now because I've talked my two minutes. And what do you think? What is, what are we up to?

David: Let me start by saying that I do think that we have exactly the same goal, which I think is what produces the common respect that we have and our willingness to sit down, even though we argued for years and years, because we are trying to get at the same thing, I think, which is either increased or universal access to educational opportunity for people. And even though we come from different trajectories toward it, that's something we both care really passionately about. So that's what makes it interesting to me, because how many different totally contradictory sets of, you know, tactics can you use and still arrive at the same goal?

So what is it we're up to? There is a debate about whether access to educational opportunity is really sufficient or not, people like Katarina Tomasevski, who passed away last year or the year before (*October 4, 2006 – ed[1]*), who did righttoeducation.org, really argued against access as a construct, and really wanted to see mandates. Access to primary education, for example, isn't good enough, we have to mandate it and we have to require it.

And in my brain I've never been able to get all the way to the mandate, maybe I will eventually. I just thought "we need to provide access, provide options, provide opportunities for people, and then as they choose to take advantage of it they will, and if they don't, they won't, and I'm not going to meddle in whether they should have to or not." But I think, like you say, I think I think more about higher education and Katarina was talking more about primary school one, and secondary school and things like that.

To me what it is we're about is we're trying to get educational opportunity in front of people that, for whatever reason, didn't have it before. And I think the distance education tradition is people who are time-bound or place-bound. I think, and I guess what you'd call an open university tradition has to do with time-bound and place-bound and maybe even qualification-bound, if we can call it that, right? And I know you have this here from the Open University Summer, you know, the only requirement's you have to be over a certain age and if you, you know, you meet that criteria then you get in. So there's place-bound, there's time-bound, there's prerequisite-bound, and I think what we're trying to add on top of that with open education is maybe an idea of being financially-bound somehow.

You know, there are people that do have the time and people that really would like to increase their education, whether it's formally in terms of credentials or they just want to pick up additional skills, but they can't afford it or it's not available to them in a way that they can understand, because maybe it's only available in English or it's only available in Mandarin or something, they really need somebody to go and localise it for them to be able to use it. But, but I think what we're about is trying to increase opportunity.

Stephen: Okay. I think, okay, to a certain degree I'm going to agree with that, and so away we go.

First, let's, let's remove one issue off the table, I think where we will find some agreement, and this is the idea of mandate. As soon as we get into the topic of mandates - mandated this, mandated that - we move into an area that I'm not comfortable with. And, and I will include in that primary education, secondary education, as well as post secondary education.

It may seem irrational to say "well, how can you not have a mandate for primary education?" I don't believe it's irrational. I think if we analyse what is meant by a mandate for primary education, what is really meant is not that children of primary school age become educated, because it's impossible not to do that. They will become educated, that's because they are living, breathing, learning machines, this is what children do, probably better than anything else in the universe.

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[1] - http://www.alertnet.org/thenews/fromthefield/216723/116055195197.htm

The mandate focuses on what sort of things they ought to learn, some sort of common core or common curriculum. It's this, in a certain sense, an attempt to create conformity with a certain perspective on what, quote, to be educated, unquote, means. And I'm not comfortable with that. I think it is true probably that there were things that most if not every children should learn, but, you know, I often echo the remarks of Seymour Papert when questioned on the subject of foundations: "if something is indeed foundational then the need for it will come up in the process of whatever learning...' Or, sorry, 'in the process of whatever doing the child may have in mind." [2]

David: So we can put mandate...

Stephen: We can put mandate to the side.

David: We agree.

Stephen: We agree on the first point.

David: See, that only took ten minutes.

Stephen: Yeah. Well, yeah, but I think we've just hit a point where like ninety percent of the people listening to us may disagree, so... But nonetheless, but I think there's a crucial point that needs to be underscored as a consequence of this first point, and that is open education entails choice; it's not simply creating opportunities, it's also creating capacities, creating empowerment. To have open education means that a person is able to choose the course of their own learning.

And, and I think that is going to be certainly one of the major themes I'll return to over and over and over as we go through the day. What is an access, what is access to an education opportunity? What is access to an education? You know, because when you talk about it, you talk about credentials, you talk about skills, you know, again, I kind of want to bracket the credentialing although I know how important the credentialing is.

David: For the time being.

Stephen: For the time being.

David: It may not be important in the long term, but I expect we'll get to that.

Stephen: And similarly, you know, skills, you know, the, the idea that a person seeks an education in order to obtain a credential or in order to obtain a skill is a representation that we have of it because we have a system that is based around credentials and skills, more and more so as we move into the era of competence frameworks and things like that. But, again, I don't think that people enter into education in order to get those things, those things are stepping stones to the things that they really want. And what they really want of course varies from person to person to person, but it is something like, if you will, the good life, whatever that is. And different people have different, different definitions of what the

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[2] http://www.downes.ca/post/41

good life is. But they're trying to lead their lives, they're trying to make their way in the world to, to do the things that they want to do through, as Mill says, pursue their own good in their own way.

And I think that, certainly that underlies my own philosophy of education: education isn't about acquiring skills to me, education isn't about obtaining credentials, it isn't even about the content of that education, education is about pursuing one's own good in one's own way. It's about empowerment, about being able to set the direction of one's own life. And here, as you know, I'm echoing, well, people like Freire and, Illich and the rest. That's not a new perspective by any means. So...

David: So while you catch your breath, I wouldn't disagree with any of what you've just said. I guess I would say that my personal emphasis, with formal education being such a big system, with it touching and impacting so many people, and being so integral and to so many, you know, everything from employment to whatever, while I agree with what you said my personal focus is on more formal, you know, kinds of education. Because it seems to be in desperate need of some kind of help or reform or support or something.

And so, and I'm sure it helps, like you said, that I'm a faculty member working inside of institutions, so that's where my brain spends most of its time. But, but I wouldn't disagree with you that the, the end of education is, is pursuing the good life, whatever that means to you. For a lot of people that means they want to be employed at some part, some point, so they can feed their family and do certain things. And if employment requires a credential, then you start back chaining from the good life and, for a lot of people at some point, they touch formal education that way.

Stephen: At each step in the back chain though, you need to be clear, these aren't inherent constraints that are a fact of nature, these are things that we create.

David: Oh absolutely.

Stephen: You know, the fact that you need to obtain employment in order to sustain yourself is an artifice of society; it's the way we've built society and not a fact of nature. And so we could conceive at least - I saw at least one person with a Mao T-shirt in the audience - conceive of a world in which that is not necessarily the case. But to re-frame a wee bit, do you think that providing people access to the university is the same as providing access to open education?

David: Well if you're drawing a Venn diagram obviously there's, open education is the big bubble and the kinds of open education materials you produce inside the university are a smaller bubble inside the, the big bubble. There are all kinds of, take Wikipedia for example, all kinds of large, very valuable resources that you can use educationally, and here we get back to the definition of what, what an educational resource is, all kinds of things would be useful in this way that don't come out of the university. But just because it's true doesn't mean that the university has nothing to add of value to the body of things that are out there.

Stephen: Well I'm not going to characterise my position as saying that universities have nothing to add, that would be kind of a misrepresentation, but, but let's be clear about what universities are adding and what they're not adding.

And George Siemens, last year when we did our Connectivism course[3], I thought drew it out really nicely by identifying three major aspects of openness, right? There's the open content is the first thing, whatever that may be, and we'll come back to that. Then there's the open delivery. And, again, that may be any number of things, but, but it's, you know, so I'll just use the word delivery for now and leave the definition till later if it comes up. And then the third thing is open accreditation or evaluation or assessment, etcetera.

Now, which of those does the university provide, which of those three? And which of those three is it necessary for the university to provide, and which if any of those three could we do without? You know, the content, and we live in the world of the Internet now and we can see that content can be produced inside the university, content can be produced outside the university. So clearly we can envision a world without the university and still have the content. Similarly, I would say with delivery it's less obvious, but, you know, especially once our concept of delivery... Just wait for Dave to remount the microphone.

David: Looks like a small fir tree here.

Stephen: Not that small a fir tree. You know, you know, as we expand our concept of what delivery is, you know, I mean it used to be delivery of an education was some guy standing in front of the room lecturing, that's delivery.

David: Now it's two guys.

Stephen: Now it's two guys. So we're twice as good now.

David: Exactly.

Stephen: But we expect there's still more. But of course, you know, I mean learning is becoming more of a community. When we started that course, George and I, the Connectivism course, we were thinking of models for learning, the first model that sprung to my mind interestingly, well to me anyways, was the old Cambridge model, the old Oxford model, where in fact the students managed their own learning, they would form learning clubs or learning societies.[4] And professors would interact with them but typically on a personal basis. And a course, quote unquote, was, was a course of lectures. If a professor thought he, and it was always he almost, had something to say he would give a course of lectures or, if challenged by one of these student clubs, would give a course of lectures.

But it wasn't all structured and flaked and formed. And the idea was that the students, to a large degree, would organise themselves into a learning community. And we're seeing more and more of that online now, where people organise themselves into a learning community.

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[3] http://ltc.umanitoba.ca/connectivism/
[4] http://ltc.umanitoba.ca/connectivism/?p=49

You may remember the, the Open Ed conference that I attended in, in Utah a number of years ago. Erin Brewer's talk, talking about the Yahoo, groups and bee keepers[5] and people organising their own learning in these Yahoo groups, was the one that stuck in my mind. I don't know why but it did. So we can conceive of a way for learning to happen without it happening in the university.

David: Absolutely.

Stephen: So that leaves us with the only essential function of universities as being the marking, the credentials. And that's, and it seems to me and I've often made the point, if you remove the monopoly that universities have on credentials, the university system would basically crash and burn, because people wouldn't see the value in paying tens of thousands, hundreds of thousands of dollars for a credential when they could get one from McCredentials.

David: Right. And so if you look in the technical areas - Microsoft Certification, Cisco Certification, Red Hat Certification, whatever it is - you know, if you're, if you're hiring a person to run and secure your network and you've got somebody with a BS in computer science and somebody with a certification in the platform that you're running your network on, that's not even a choice, you're going to take the credential person ten times out of ten over the person with the BS in computer science, whatever.

So I agree with your point but I think it's actually further along than you just stated. I think the universities' monopoly on the credential is already well under attack and that front's been completely breached in certain areas, like technical ones. I do think things like Western Governors University are a really interesting example of, here's a completely accredited online university that offers no courses whatsoever, all that they offer are assessments.

Is that a statement on their part that they've figured out that that's where the real value, you know, in the university is? You know, I don't know, would be, maybe we get Bob on the phone or something and, and ask him but...

Stephen: Is Bob on line here?

David: They don't care where you learned it, they don't care how you learned it, they don't care if you were born knowing it somehow or took it at MIT open course ware or learned it from Wikipedia or whatever. When you show up, if you can demonstrate that you know it then they'll credential you.

Stephen: You've got to pay them.

David: You pay them for the credentialing service, yes. But, but they're an accredited university that offers no courses, they only offer assessments. And so that seems to me, you know, that phenomena plus the phenomena of the technical certifications seems to me to say that there's a lot already happening there. And I, I agree with what you're, what you're saying there too.

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[5] http://www.downes.ca/post/25

Stephen: Okay, well given that Western Governors University exists, why is anyone paying who knows how much for university?

David: So coming back to your comment about the self organising groups versus the faculty member who imposes the structure and does these other things. Charlie (Raguwith?), who's an educational theorist in my world, because we're both educators but we live in (talking together) fairly different worlds, Charlie's one of the outside readers on my dissertation and he made an interesting comment that's stuck with me, saying that: "you know, you can cut the grass in your front yard with a pair of scissors, you can cut the grass in the front yard with tweezers."

It turns out there are more efficient ways to do things and less efficient ways to do things. And sometimes you care about efficiency and other times you don't care about efficiency, sometimes it's about the walk through the park and taking your time and smelling the roses and just having that experience, and there are other times you just, you know, maybe somebody loves to cut grass. There are some things that you just want to get done as fast as you can get them done and as efficiently as you can.

And I think that the parallel there is on the one hand if you're in your learning experience for the sake of learning, and some people who are in university also have these outside things that they actually do just because they care about learning and they enjoy it as a hobby or book club or whatever, you know, then you spend the time and you get into the flavour and the richness and you want to savour it and, you know, milk it for all it's got.

But on the other hand if you just need a credential so that you can be employed, well you might want this kind of, the ruthless efficiency of Monty Python's Spanish Inquisition, right? Just as fast as possible, as efficiently as possible, get me through and, and if you don't know the domain having someone else set up a structure and set up a path that's relatively free of obstacles and things like that is useful for you, to increase the efficiency of that, you know, trajectory through there.

So I think there's room for both and I think it's really a question of what's your end goal? Are you looking for the most efficient path possible through, either through a set of learning experiences or a path to a credential or whatever that is? And if you want that efficiency then you probably need somebody to help you put that together that knows more than you do about it, because if you knew enough about it to structure it in a maximally effective way you probably wouldn't need to learn a lot about the domain. Or is it something that you just want to spend some time in and spend some time with and absorb more about?

And so I think universities are really good for this kind of highly structured, very efficient, you know, "here's how you do it, here's the support, here's whatever." And I don't think universities are particularly good places to spend a lot of time really soaking up a lot, you know, that's, that's something that you would do outside of the schedule and the pace and the whatever, the university which seems to be about efficiency, and sometimes you want that and sometimes you don't I guess is how I'd respond.

Stephen: See I'm, I'm still... To me, collecting a hundred thousand dollars to pay for a university education seems to be about the least efficient way of going about doing it. So, and that's, that's the thing that sort of sticks in my mind. I'm puzzled at how you can have Western Governors University, which will accredit, or credential people, presumably for a nominal fee, I don't know what the fees are so...

David: It's significantly lower than...

Stephen: Yeah. And yet there's all this activity in the other space. But I think that's, that's probably also part of what we're talking about too, is, you know, on the one hand you have the low cost, free option which is presumed to be bare bones, and on the other hand you have...

(Phone rings)

David: First one of the day.

Stephen: All right, you should give them a prize. The high cost option. And, you know, we have this, you know, if I had a degree from Western Governors and you had a degree from Harvard, who gets the job? You know, so if the objective is credentialing and if the object of credentialing is to get a job, then it seems to me that the Western Governors University approach is going to be less effective than the Harvard approach, and that is the effectiveness that people are buying.

David: Well in a market that's very competitive that would be true, but take a market like teacher education in a state or region that is just starved for qualified teachers, is employing teachers possibly even outside the law because at least they're willing to come in and work, but they don't have the credential that technically they're required to have. Now, if instead of sending them through sixty hours of school, if we can just give them some assessments to let them demonstrate that credential, so that legally now they can have this job of being a teacher, then, then that's a really useful thing to be able to do, right? And the Western Governors credential is just as good as any other credential because I'm not competing with, you know, a thousand other people for this one position. I'm in a position where the law says I have to have a certain piece of paper to work, there's nobody in this, you know, or maybe nursing, there's not enough people in this space but you have to have a degree, so what's the most efficient path they can do from here? Do they, or so that I can do that thing I want to do, that people want me to do, but the law says I, now I have to have this credential before I can practice.

Stephen: I think we can take out of, we'll take out of this for now, I think, the, the assessment part of this and I think we can take the assessment part and put it to one side.

David: Yeah, because I think it's on the schedule for later anyway.

Stephen: Is it? I don't know.

David: I think that's the third hour.

Stephen: Third hour, hour three, yeah.

David: If you're going to change topics let me just get one more thing in, because you said earlier that open education means choice to you, and I wanted to come back to that, and as only an academic can I want to take five minutes to agree. I don't know if, there's a, there's a book about, a book to teach you the Ruby programming language called *Why's Poignant Guide to Ruby*[6], do you know this book?

Stephen: I've read it[7].

David: Okay. So... And Why is W-H-Y, for those of you following on at home, "Why the lucky stiff." If you took ten books off the shelf at Borders that were books about teaching yourself to write in Ruby, what you'd find is if you tore the covers off of them you couldn't tell any difference between them at all. They're the examples have no flavour, they're... And basically what's happening here is you've got a book that you want to address to as broad an audience as possible, so you take out every example, every, anything that would make it feel like it was really targeted at a certain group, you take all of those interesting, useful, cultural, contextual things out and you leave basically what looks like an encyclopaedia, something that's completely de-contextualised, so that when a person picks it up they don't see anything that offends them and makes them think "this book isn't written for me, it's written for someone else." So to do that you have to make it as bland as humanly possible.

To me, open education is about choice because now I can write something full of local flavour, full of local content, really target it at my kids or target it at whatever group I want it to be targeted at, something like *Why's Poignant*... *You pick up Why's Poignant Guide*, you know within thirty seconds whether this is a book that's for you or not, and if it, if you like chunky bacon then that's a book, you know, that's for you. If cartoon foxes make you angry then you don't want to learn Ruby from *Why's Poignant Guide*. But, but the ten books on the shelf at Borders parade as choice when in fact there's no meaningful difference between any of them, except if you like animals on the front, you know, you buy the O'Reilly one or whatever. But when things are open you can have something like *Why's Poignant Guide*, not that it, I don't want to make, say that it's an example of the best education ever.

Stephen: No, but it's a good example.

David: But it represents a choice, because it's so different from everything else it actually is a meaningful choice from the other ten books on the shelf. And when material is made openly you can put all that flavour and personality and stuff in there, and then when I share it you can pick it up and say, you know, "this is great, the examples don't quite work for me, but I have permission to change them so that they meet my needs," right? And so it's the ability to include that flavour and context and culture, but know that someone that's not in your target group can still take it and make something useful out of it and use it, that is the interesting part of choice in open education to me, because we can provide a series of things that actually are meaningful choices from each other, and then you can take them and do what

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[6] http://mislav.uniqpath.com/poignant-guide/
[7] http://www.downes.ca/cgi-bin/page.cgi?post=31620

you want to it at the end of the day. I think *Why's Poignant Guide* is, is a great example, not the, maybe not the best one but that's one of the things that's most exciting about, to me, on the choice side.

Stephen: Now, one of the things that occurred to me as you say that is the, the, the very fact that we have these commercial Ruby books, this book, this book, you know, makes something like *Why's* less likely to happen because, you know, it takes a lot of work to produce a guide to Ruby or a guide to anything, and people are less likely to do it when there doesn't seem to be a need to do it.

David: Or a financial incentive, is that, is that where you're going or are you considering...

Stephen: Well no, because, because, because the more niche your market is going to be, which is where this choice comes from, the less your financial incentive is going to be in any case, right? You know, you can't make a living writing for left-handed albinos, it's just, there's not enough of a market there, right? And indeed as soon as you bring in the commercial element, as soon as you bring in the idea of financial incentives, you're pushing, you create a system which has as one of its basic impulsive forces a push toward that kind of bland text book that's written for everyone, because that's the one that is going to sell the most. And, and so you get these bland text books and these bland text books, because, you know, now they're subsidised by commercial sales they exist, they take up the space in the book shelf. And it really takes someone special to come along and write a *Why's* because, you know, the market is saturated, the market is saturated with bland, not real choice options. And so the very, the very existence of the financial motive to create itself argues against the possibility of choice.

David: And so in the early days of the field when people said "oh we'll just go out and we'll fund, you know, the best algebra course in the world and we'll fund the best geometry and the best American literature and whatever," then it just makes you want to put your head through a wall and say "no, we need a hundred algebra courses or we need a thousand algebra courses, and each one of them needs to be targeted at a real group and they need to actually be meaningfully different from each other, and when I look at them I want to be able... When I see the one that's for me I want to recognise it when I see it." Not, you know, one, certainly not one, and not ten that are total clones of each other, that are not meaningfully different.

Stephen: Yeah. The clone, yeah, the clone courses, there's no point to them, it becomes all about branding and marketing when it's the clone course.

I'm not sure. You say ten algebra courses. I'm not even sure we need ten algebra courses in the sense that, you know, even the sameness inherent in the description 'algebra courses' is too much of a cloning. But, but, again, that's probably taking us off into another digression because, well because we...

Another of the things that David and I have disagreed about over the years is the nature of learning objects.

David: Oh, that took almost an hour.

Stephen: Yeah. Well, but...

David: But it's useful because talking about open educational resources, and talk about ducking a bullet or getting out of the question without really answering it, I think a good way of describing open educational resources is, or a open educational resource, an educational resource, is a learning object plus an open license.

Stephen: Yeah, that's one way of talking about it.

David: And now I've defined a term with another term that no one knows what it means either.

Stephen: Well, just to bring us full circle, my own definition of learning object is anything that can be used for learning. Which brings us completely full circle back to where we started because by that definition anything, utterly anything, can be a learning object provided that somewhere, sometime, someone has in fact used it. And indeed we can go with the mobile version of that definition "has the potential to be used."

But it does raise this, this picture. We think of learning content, we have this picture in our mind, it needs to be courses, it needs to be textbooks, it needs to be, you know, organised and set up, and I don't think so, and I don't think that you think so either. I think that you can live in a world where a picture of a duck is a learning object, properly so called, and where a picture of a duck is an open educational resource.

And given that there are, I can check, but probably tens of thousands of freely licensed pictures of a duck online, we don't in fact have a shortage of open educational resources. So the problem isn't that. The problem is something else.

And part of my argument is the problem is the structures that we have in place, including universities, that prevent us from taking the picture of a duck and in some way for ourselves assembling, if you will, our own education. And there are these barriers all the way down the line, from the very definition of open educational resources and learning objects.

You know, on my more cynical days, and I'm anticipating some of the argument that will come up later, on my more cynical days I think that the concept of learning object, with its eighty seven fields in the learning object meta data and contact packaging and all of that, was deliberately designed in order to prevent there being open educational resources, because it becomes so hard to create them and to mount them and to use them. And really all we needed were pictures of ducks.

And if we had set up our system differently, where we created systems that empowered and enabled learners instead of, you know, running them through the cattle chute, we could have had by now a mechanism where people can take these pictures of ducks, pictures of cows and, you know, and, with their communities, create their own learning. So when I look at what are we trying to do in open educational resources, and it's like that OECD conference we were at in Malmo[8], where...

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[8] http://www.oecd.org/dataoecd/12/46/36162143.pdf

David: Don't ever convene a conference in Malmo in February again, please.

Stephen: Yeah, that was kind of a mistake, wasn't it? And one of the questions that came up was, you know, what needs to be done in order to support open educational resources? The position I advanced there and I continue to advance here is: get out of the way. You know, it's not a question of providing things, it's a question of taking away barriers, taking away restrictions. And that runs in my mind completely counter to anything that resembles a commercial marketplace for learning materials.

David: I was with you right to that last phrase, although I think we are going to uncover a deeper disagreement here, usefully. So let me back-track for a second to work up to it.

I do imagine a world in which a picture of a duck is a learning object and an open educational resource. But I would also say that a course could be a learning object - fully structured, syllabus, exams, the whole shebang - and that that full course could also be an open educational resource. And that there is, depending on the nuance you want to give to the conversation (I have a hunch which direction we'll go), you could refer to it either as an ecology or as a market.

But there are some people, coming back to the point I made earlier, and I'll try not to do that too often, there are some people that want a structured, efficient path through the... In fact, they don't want to be run through the chute like cattle because that implies other cows. "Get out of the way and let me run as fast as I can down this path." There are people that want that, and there are people that want the other.

And so we need, depending on whether you want to call it a market with several different things competing with each other, or just an ecology where there are different alternatives that all kind of coexist, you need the picture of a duck and you need whatever, but you also, to serve the person that wants the more efficient path, you want the course.

So to me, when you talk about a learning object or an open educational resource, and you said, you said a learning object is any, any resource I can use to learn, or something like that, or that I could use to learn in the broader definition.

This is one place where we have disagreed because I've always inserted the word 'digital' into that definition, because the thing that started me on this journey, part of where I come from, is this realisation that when a resource is digital, that bandwidth and RAM overlooked, you know, basically an unlimited number of people can all use that resource at the same time. And there is no printing cost and warehousing cost and distribution cost and receiving cost and whatever else; it's, it's something that I can write once and that I can copy basically for free, give away basically for free, and a bunch of people can use it basically for free.

And that non-rivalrous nature of the digital resource is something, to me, that seems important to enable large scale, low cost or no cost, access. So when LTSC had this definition of learning objects that included people and places and historical events like the War of 1812 - the event was a learning object, or Joan of Arc, the person, is a learning object - it made me a little crazy because I thought we're getting

away from the special thing that enabled the large scale, low cost distribution that I think is, I thought was what we were after.

So that digital piece was... Now it doesn't mean that you can't take digital and then do more of a print on demand or do, or do different things with it in order to get it to the people that need it. But in terms of free copy, free distribution, free whatever, it being digital has been important to me from the, from the beginning, as Anya, Anya wrote about the story of the calculator the other day.

Stephen: Okay, then let me just stop you here. On the one hand you say a full course can be an open educational resource, on the other hand you say it has to be digital. So you're saying a full course can be digital?

David: Ooh, you may have caught me, let me think. Yeah, so by full course I guess what I meant to say was the full... What did I mean to say? Certainly the full collection of content that you use for the course, obviously. But increasingly, most or all of the human interaction you have around that content can be digital as well. But I don't know, I'm not sure how far I want to go down that path. When I said it, I was talking about the full content of the course.

Stephen: Yeah, yeah, you've got to mean something like a course package, and there are different ways of structuring these things, right?

David: Which could be a picture of a duck and a picture of a cow that some other person that has some expertise in farm animal husbandry has found and put together in a structured way for me so that I didn't have to spend my time going and finding those things. At the bottom it may be the same very loosely knit collection of resources, it's just that because, if I care about efficiency, maybe I'm willing to pay someone else to find them and structure them for me instead of me having to do it myself.

Stephen: Yeah. I'm going to - that's another thing, you've hit this point a few times, the course being the most efficient.

David: Not the most efficient, more efficient than me floundering about in a domain I know nothing about.

Stephen: What would be the most efficient then?

David: I don't know what would be the most efficient.

Stephen: Well, I mean because you're the one, it seems to me, who's been saying the course is the most efficient, and then you say more efficient than floundering around. Well, those clearly aren't the only two choices.

David: No, absolutely not.

Stephen: Okay. More efficient, well... Even there, you know, efficiency is a ratio of obtaining some sort of end or objective divided by cost, okay? If you define efficiency that way it's hard to see how a course,

which comes in at thousands and thousands of dollars, is efficient. But that's an aside, a relevant aside but nonetheless an aside.

What I'm wondering here though is, when you say a course is the most efficient, what can this goal or outcome be that the course is the most efficient path to? Now at the beginning of this thing we said our objective is, you know, the good life, pursuing one's own good in one's own way. Is a course the most efficient way to that?

One wonders, well, why don't we just have a course of reaching the good life and dispense with all the rest of it? It probably isn't, you know, if people thought that a course would lead them to the good life they wouldn't do all the rest of the stuff that they do. And this, this is why I challenge you on what a course is, because what a course is not just the materials, not even just the organisation or presentation of materials, but all the discussion and the dialogue and the community that happens around these things, right?

David: That can happen around them. I mean there are honestly courses where there's no discussion or dialogue or anything that happens.

Stephen: Well, yeah, and then one wonders whether they are efficient. You know, we have the one picture of learning where we can define efficiency as taking x content and moving it from instructor A and inserting it into student B. I don't think that's a model of learning that either of us has.

David: Well, I'll argue with you about that in a minute.

Stephen: Oh okay, right, okay. We're going to have lots of fun with that, aren't we? I think that a more appropriate account of learning, and indeed an account that is more aligned with an objective like pursuing one's own good in one's own way, is not acquiring knowledge as though it were some sort of object but actually re-shaping, re-modelling - that's a bad word, it has so many connotations with, you know, re-modelling your living room - but, but growing, developing, becoming a certain sort of person.

And, in my mind, there's a real disconnect between a course package and that result. And part of the discussion about open educational resources has been, in my mind, almost a commodification of learning as this kind of thing. You know, "if only we had these content packages we could most efficiently get them into people's heads." And that certainly doesn't seem to be what the learners are looking for. Maybe it is, it doesn't seem to be what the learners are looking for, and it certainly doesn't seem to me to be the model of learning that we want to be working with. Which means that when we're talking about open learning and open educational resources we need to have a more nuanced view of what open learning actually is, and not just, you know, a warehouse, let's ship it out like it was text books.

David: So I'm not embarrassed to say that I think you probably read even more of the research than I do, because you seem to never sleep, always be reading or writing something. And you, you can throw studies out if you want to take issue with the way they measure whether learning has happened or not, but I don't think that you'll disagree that there's strong consensus in the literature that there's a - let me

say this correctly - an inverse relationship between a person's knowledge of a domain and their need for structure to further their learning in the domain.

So if I'm a complete novice, if I, if I've never heard the word 'geometry' before - if I don't know a point from a line from a plane - I need a lot of help. If I've taken a couple of courses in geometry, now I'm maybe in a Master's programme in math or something, you can probably set me loose on the web to go find resources to teach myself and I can, and I can take my time and I can have this other kind of experience, which was really not possible for me when I knew absolutely nothing about the domain.

So, again, coming back to this idea of the ecology or the market or whatever, and to disagree with your point about Freire's banking notion of education[9], about just pouring stuff into people's head or about it being about transfer, we say "that's not the kind of education that we're looking for, just transferring knowledge from the faculty to the student, from the teacher to the student." Eventually it's not, but I'm not sure how else you begin, unless you're really willing to dedicate a lifetime to somehow rediscovering for yourself, through a discovery process, you know, the fundamental axioms of geometry or something.

Now, there's value in that experience, there are people who would like to have that experience, that would choose to, so we need to provide resources to support them because choice is part of what we're talking about. But there are also people that, for whatever reason, just want to get a basic handle on geometry and really don't want to spend more than fifteen weeks on it, and they're willing to pay three hundred and fifty dollars a credit hour for somebody to help them do in fifteen weeks what would have taken them two or three years or would have been impossible for them otherwise.

So I think that this is a continuum. And I think - I hate these terms more than you do even, but I'm going to use them anyway because they're just the easiest short hand to use - a novice just needs more support, needs more structure, needs more help. And as that person grows in expertise in a domain then they reach a point, somewhere in the middle maybe, where they can start to learn on their own without that coaching, without the guidance, without someone else structuring it for them. Until eventually they reach the point where they're actually generating new knowledge in the field; that, that it's not stuff they've learned anywhere, this is something that they've reached such a mastery that they can, you know, they can generate new insights, new useful things that people have never seen before.

So I don't think it's fair to say that we don't, we don't want 'banking education' kind of education. Although now I'm being streamed as disagreeing with Freire I won't be able to sleep tonight. But I do think at some point there are some people... I mean if you're going to come into biology or geometry you just have to memorise all of, there's a whole vocabulary you have to know or you just will not be workable in the field. And we talk about growth learning and drill and kill and whatever, we belittle it, but I tell you what, if you don't have that basic understanding of vocabulary, the terms and the meaning...

One more story before I let you respond. I got, I got in a pretty good fight with Tom Duffy at a reception at ARA a couple of years back, on this topic, about multiplication papers. Tom's what I would

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[9] http://www.webster.edu/~corbetre/philosophy/education/freire/freire-2.html

characterise as a more radical constructivist, maybe not completely radical constructivist. But he was saying to me: "it's unconscionable that we ask people to memorise multiplication tables. What we should do is something like we should set up a store in the school class room, we should have people buy, kids should buy three apples and then they should buy five oranges and they, they should have this experience, you know, so many times that eventually it just, you know, that they learn, they discover for themselves, whatever, they come to a mastery of the multiplication tables through this process of doing, and not just sitting in a corner with a chart and memorising multiplication tables. And in fact, if you memorise the multiplication tables it's impossible for you to actually understand what multiplication is and means." And I said "Tom, I memorised my multiplication tables." And he said to me "you don't know what multiplication is or what it means." Sorry, it seemed relevant.

Stephen: And it's a nice *reductio*. Okay, couple of lines here of reasoning. And I want to be clear first of all that I'm not in a position where I'm advocating a purely constructivist stance to learning, I am not advocating a purely discovery learning model, and I want to be careful not to be caricatured as that, okay? Now, it's the, the whole, you probably saw the stuff I wrote about Kirschner, Clark and Sweller[10], and, you know, it's, it's a tactic that that sort of group uses, right? "Oh you have to discover everything for yourself, you have to reinvent modern physics," which is absurd, right? Yeah. Took us three, four, whatever, thousands of years, a human isn't going to do that in their lifetime.

And another thing I want to say, and be really clear about, memorisation works, we know this, right, we have tons of empirical evidence, you can indeed memorise your multiplication tables. And I will, I will say very clearly that I think you still can understand what multiplication means even though you have memorised the multiplication tables, although it may take you a lifetime of close study in order to get at that. I once took a, a class in the philosophy of mathematics and, you know, sitting there questioning like the basic principle of substitutivity, "Can you actually put a five in this place where you had a four before, is that a legitimate move?" And, you know, well that's a good question, right? Just because this formula works with a five... Anyhow, totally aside.

So grant that, okay, we can grant that, people can learn by memorising. That that's in fact the problem, people can learn anything by memorising, doesn't matter whether it's true or false. And in fact the unrestrained use of memorisation in learning has, as its most devastating consequence, not the fact that people fail to learn, but rather the fact that people learn things that are very damaging like 'my race is the best,' or...

David: Indoctrination or propaganda.

Stephen: Yeah. So on the one hand, yeah, memorise the multiplication tables, okay, fair enough. But there isn't much further beyond multiplication tables when learning becomes not simply straightforward, axiomatic fact. The questions of value begin to come in, and to come in. And then the model of learning as being guided takes on two aspects: one aspect is, you know, the acquisition of knowledge, whatever that may be; and the other aspect is of course the acquisition or the forming into a person of a certain type, and teaching becomes a practice of replicating that type of person.

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[10] http://halfanhour.blogspot.com/2007/12/free-learning-and-control-learning-on.html

David: So are you agreeing that as you move from being a complete novice and grow in expertise that that structure that's necessary for you does fade, can fade away?

Stephen: No, all of what I said now is a prelude to addressing the novice question, okay? And, and I'll say it, I'll say it the strident way first, and the strident way is that one of the most significant accomplishments of the educational system that we have has been to convince people that they are novices from early childhood all the way through into mid-adulthood, they never stop being novices. You know, I...

David: They don't actually ever stop being novices or we convince them that they never stop being novices?

Stephen: We convince them. After ages three or four they've stopped being complete novices, right? At three or four I can understand you're going to have to give them some guidance because they'll walk onto the road, they really are that ill-educated, right? And so we need to prevent them from walking onto the road. But I mean, you know, you have a person who is entering university, they're eighteen years old, they've gone through twelve years of formal schooling, eighteen years of informal learning, and you turn to them and say "you are a novice." The reaction of this person quite properly should be "what world are you living in?" You know, so the fact, if it is a fact, that they are novices as they enter university is an artefact of our educational system. We have created this situation.

David: So can I push on you with an example or two?

Stephen: Go for it.

David: I was going to use Spanish but that's unimaginable in the United States right now. So I've never heard, never read, never seen Romanian - spoken, written - as an example. I go to university, I decide I'm going to take a course in Romanian. Now I do bring a certain amount of knowledge about my own language to that experience, but with regard to Romanian, am I not actually a complete novice at that point?

Stephen: Depends on how you define Romanian, right? If you define Romanian as the set of facts related to the language, spoken and written, of...

David: The vocabulary, the grammar.

Stephen: Right, then you are a novice. But if you represent Romanian as a system for communication, one human to another, you've got ninety percent of what you need already, the only thing missing is the little code that they use to express 'I'm hungry' instead of the code that you use. You know...

David: I know what nouns are, I know what verbs are, I know what punctuation means, I, I have all that background from English.

Stephen: Yeah. So you're really not a novice, you could in fact pick up Romanian remarkably more quickly in fact than a native Romanian speaker, because it took the native Romanian speaker ten years, fifteen years, to learn Romanian, you're going to do it in a couple of years.

David: Weren't they speaking it by the time they were three or four? And will I ever speak as well as they do?

Stephen: Well I mean I think after even a year of Romanian lessons you're going to speak Romanian as well as a four year old Romanian, it's empirical, we could test that. But, you know, to become conversant, I mean nobody would say that a four year old Romanian is conversant in Romanian, right? They can get by but, you know, ask them a question in metaphysics, they'll be stumped, right?

David: So no one is a complete novice in anything beyond the age of three or four because there's some life experience you've had somewhere that you can somehow meaningfully bring to bear on whatever content area you might enter into, is the argument, right?

Stephen: Right.

David: Okay.

Stephen: Now, additionally, the mechanism that we have of delivering learning, first of all organised into courses - science, art, psychology, biology, whatever - and then segmented into classes, again, perpetuates this thing, this idea that people are novices, because they get to be a novice every September, right? There's a whole new course, right? And when they go to university it's even better, there's a whole new subject, entire subject areas that didn't exist. But this is accomplished again by, by, by re-shaping, I use the phrase in my head "by flaking and forming learning into these packages and delivering it to them as though it were, you know, Kraft dinner."

In fact, you talk about how somebody needs to know the vocabulary, how, how they can't even communicate unless they know the words and what the words mean. We can and, and, and should, and in some cases do, put people from very early ages into communities where they speak using those terms and that terminology. Now, again, think not about areas where you're a novice, think about areas where you have some expertise, some practice, especially if it's not a traditional one of the subjects, right? Maybe it's a hobby or something like that, and think back about how you acquired your knowledge in that area. And of course by definition, because I just defined it, you didn't take a class in that, but rather you picked it up by talking to people who are already in that community, the trading cards, right? There are no, I assume there are no formal classes in trading cards, right? Or, or, you know, or even, you know, baseball, right, okay, there are classes in baseball, but nobody takes them.

David: Or programming.

Stephen: Or programming is another good example. And what happens is people start playing baseball or programming computers from an early age, but not simply doing that, they engage in this conversation with other people who do it. And it's in the process of this conversation that they acquire the knowledge, they acquire the language, the expressions, and, you know, through personal

communication with other people more and less expert than themselves they gradually acquire this expertise in the domain. So...

David: So I wouldn't disagree there, but I think baseball, and I do want to take us back to open educational resources and try to bridge back.

Stephen: And baseball is at least as complex as mathematics.

David: Yeah. But I think you can see, you can see examples of kids who start playing baseball at five or eight or little league, whatever it is, and they play for four years. And you put two teams together and one just beats the heck out of the other team, and there's obviously been a difference in the efficiency of the training that's gone on during that same period of time, okay? Because in the same four years you've got some kids who have learned to play baseball a lot better than another team of kids who've been playing for the same four years.

And you would assume the difference is in the coaching, in the structure of the practices, in the kinds of exercises they did in practice, and the way the coach structured the experiences that those kids had. If all of these kids are really better at baseball than all of these and they've been playing for the same period of time, you have to attribute that difference to... I mean if there's one kid who's really, you know, who's really a star and he's more athletic or whatever, but if you've got a whole team with superior skills which you can see by the time they get to twelve or thirteen and they start playing inter-league kind of games, you really do start to see the difference an effective coach has versus a guy like me who, you know, coaches my boy's basketball team, but it's really about getting them excited for the game and making sure they enjoy it, and there's not this emphasis really on skill development and conditioning and something else that maybe another coach does.

Stephen: Well, what you've made the statement is something along the lines of: 'all other things being equal, coaching makes a difference,' right? All other things are rarely equal.

David: All other things being equal enough though, I would say.

Stephen: Well, you think that's true?

David: Yeah, I mean the community, the community that I live in now certainly is a very, a group, is a place where a lot of people are like a lot of other people in this community. And a lot of these teams, if you just lined them up and looked at them, if you read their SES (Socio-Economic Status) data or whatever, you would say "I don't really see a difference. They're all about this tall, they're all this racial background, they're all this SES, they're all whatever." And then one of them just beats the snot out of the other.

Stephen: Because when you've taken all these other variables out of the equation, then the significant difference is the teacher, right? But, you know, taking all these other variables out of the equation simply magnifies the impact of that teacher.

David: Are you arguing against the impact of teaching?

Stephen: I am, because there's a whole line of reasoning that's plays a role here. I think that teaching is one factor in the attainment of their baseball skills, or whatever skills, I do not think it is the only factor.

David: I don't think that anybody would argue that it's the only factor.

Stephen: I don't even think it's the most important factor. And in fact I think that our emphasis on teaching as being really, really significant here comes simply because we continually examine states of affairs where they are as you've described; they're all the same socio-economic background, they're all the same age, they're all the same race, etcetera.

David: If you didn't isolate those variables though, how would you study the contribution of teaching?

Stephen: Why is it important to study the contribution of teaching in isolation from all the rest of those things?

David: I assume you want to know if it... Rhetorical question?

Stephen: Well, well, a little bit because it suggests that teaching can have an impact independent of all of those other things, it suggests that the, the, the act of learning is something that can be broken down into its constituent causes. But this is really a multiple dependent variable situation, where, you know, take the very same teaching and put it into a classroom in the Dominican Republic, maybe, or...

David: Yeah.

Stephen: Right. So, you know, you isolate for all your variables, then you look at your teaching, your teaching works but only in the context where all of these variables are such and such, change these other variables and the very same teaching becomes, you know, probably... Well, not probably, I don't know, but could be a negative influence. So we're creating a fiction, aren't we, when, when we do these studies and isolate all these other variables and say "ooh, this is good teaching, this is it." We've created this fiction, it's not even knowledge, not even a fact, and when you get good enough at these studies you come up with the facts first, that you want, and you set up your study and then you extract them.

David: I'm as big, can you be a big un-fan? But what am I trying to say?

Stephen: You're as sceptical as...

David: I'm as sceptical, thank you, as anybody about things like the What Works Clearing House[11], and I had a little blog tirading that whole paradigm of research recently.[12] But I'm not... I've got two things competing in my mind here. I do think, I do think that there are things we can learn by studying teaching that can make people more effective teachers. And what more effective teachers means is that either in the same period of time a student can learn more and remember it longer. You could come up with a number of definitions, but I do think there are people who want to have a more efficient experience than they would have by themselves. And if that's true, if it's, if it's true then there's a whole range of

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[11] http://ies.ed.gov/ncee/wwc/
[12] http://opencontent.org/blog/archives/980

efficiencies I might be able to have, I might have to pay more for some, the most efficient ones might be free, I don't know.

But if I have a sense that there's somebody out there that, as I'm sitting here I've ignored the repositories and I've gone to Google, I've ignored LTSC-LOM and I've used RSS, I've, you know, I've gone on the simple, highly adopted side of this whole thing, not on the technical learning object, I've gone with the simple, winning technologies. I found all the things I can find.

I can give you a great example that is driving me insane right now, I told you earlier I'm working on this analysis of covariance of some data I'm looking at. I took a class in this ten years ago, I passed tests in this ten years ago. I spent hours yesterday, I spent one hour actually with the consultant for the statistics programme, and then several hours in Google going through all these resources. And this is theoretically something I knew at some point in the past. I'm digging around, I'm digging around. I spent I don't know how many hours last night. It was highly inefficient, it was very frustrating. It's something that, in theory, I did have some expertise in at some point in time, and I would have given just about anything if I could have gotten a human being there who could've increased the efficiency and decreased the frustratingness, if that's a word, of my experience. I wanted that, and it was midnight and there was no way for me to get it and I gave up and went to bed. But I would chalk that up to my being sort of novicey in statistics, not having done a lot with it for ten years, since I took that series of courses that I had, and not even having enough basic knowledge to go into the resources that are available, and there's good resources there, and come out on the other side able to do the kind of analysis that I wanted to do. It's inefficient, it's frustrating, I wanted a teacher.

Stephen: I just want to say one thing before the break. I think a lot's going to hinge on this definition of efficiency, I don't think you can sustain it personally, and I find it ironic that the stuff that you took a series of courses in is the thing that you now find yourself a novice in. So I think that there's efficiency and efficiency, and what you believed once upon a time was your objective, and the quickest way to get there, was in fact a way of misrepresenting learning that you had, that led you down a false path. You went very quickly in the wrong direction.

David: I would argue I went very quickly in the right direction and I never touched it again for ten years. You ignore anything for ten years - almost anything, maybe not riding a bike - you ignore anything for ten years and you're going to be worse at it than you were.

Stephen: Riding a bike is like a skill, it's like growing, we come back to what I thought learning was. Let's take our break and we'll come back to it.

Chris: We have a few minutes, we'll continue after the break, we'll have about fifteen minutes.

David: You're a great moderator by the way.

Part Two - Education, Learning and Licensing

Recorded audio: http://www.downes.ca/files/audio/downeswiley2.mp3

- *Education* vs *Learning* and the 'Educational License' Debate
- 'Enclosure', or Non-License Methods to Block Access to OERs
- The NC Clause of Creative Commons Licenses
- Mixing Content, Mixing Licenses

Moderator: Paul Stacey

David: So the whole reason that I took us down the thirty minute novice expert path there - which I don't think I apologise for - was just to say that I think there is room in the world and value for open educational resources that are highly structured, that look like a course, and ones that look like a duck because there are different kinds of people with different needs. Iif they don't have different needs they might have different preferences, and who are we to tell them, you know, you can't have anything of a structure put together, you have to assemble everything yourself? Or who are we to tell them you can only have full courses, you can never have access to individual components?

I think the whole point of this, particularly from the production side, is that we want people to share whatever they're willing to share and comfortable sharing, and if you want to share your picture of a duck then that's awesome, if you want to share your course that's great. And the world is a big enough place that there will be people who find value in whatever you share. Partly because of the different needs they might have based on prior knowledge they have coming into that experience. That was the whole point of of that.

Stephen: And if I wanted to establish one thing... I wanted to establish many things of course...

David: One day won't be enough. We'll be back tomorrow.

Stephen: But one thing I would like to draw out of that discussion is that open educational resources are not necessarily structured courses and …

David: Absolutely.

Stephen: it is not necessary to mount these courses in order to provide OERs, in order to provide access to learning. That's not to say that I would, well, raise some sort of injunction against uploading complete courses, that I would march to Open University and go "You, you're doing it wrong." Well I might but, but not, not at the moment. It's not necessary in order to make the position. So if people want to upload

full courses or to be more precise in our language, full course packages, because of course the course is the interaction as well, fine, go for it.

But it is not a requirement and in my way of thinking it would work just as well, if not better, if that's not what we are doing, if in fact what we were uploading were pictures of ducks, to caricature that a bit. But more accurately, if we were wildly and freely uploading resources of whatever type. And then we move into the next part of providing access to learning online, which is, provision of the resources or mechanism for community to form around for those resources.

And part of my concern about the model of open educational resources as course packages is that it leads us away from that picture of community forming around the resource base and towards this idea that learning properly so called with a big L is something that can be, you know, assembled and packaged and mounted as a full course package. And in our discussion to follow we will find, I think, that there are additional problems that are caused by that, not related to learning, but caused with respect to the objective of providing access to open educational resources. Good enough so far?

David: Yeah.

Stephen: Okay.

David: I actually want to take a moment and say something nice about MIT OpenCourseWare.

Stephen: All right.

David: Which isn't the vogue thing to do I understand.

Thank you (as if on queue someone from MIT hands me a bottle of water).

Guest: I don't work for OpenCourseWare.

David: You know I realise that some of the reason that people come to MIT open courseware is because of the MIT brand.

Stephen: Right.

David: However I think the stroke of genius in MIT OpenCourseWare, compared to what we were doing with learning objects in the decade leading up to that, is that when you found a learning object in its context free repository with its nice long metadata and whatever else, you looked at that and you had a hard time imagining all the things you might do with it, how, or sometimes imagining anything you might do with it when you saw it.

The thing about MIT open courseware is that I think it's actually a situation which you can both have your cake and eat it as well, because here are all these things put together in a way so that you don't find them in a repository devoid of any context, you actually find them embedded in a particular context that is probably useful. But you find them with permission for you to take them back out of that context and do something else with them.

It's just like finding it in the repository in that you find it and you can take it and do something with it. But it also has an example context that gives you some ideas about how you might use it. That, structuring those things as a course but giving people permission to then immediately take them apart again I think is what made that so much more useful and intriguing that just learning object repositories out there in the world before. So I think that part was something that they did well, that was useful.

Stephen: Well …

David: I don't want to sound like I'm always completely critical of MIT OCW

Stephen: See what I, I think of MIT, I think that OpenCourseWare was a marketing stroke of genius and had very little to do with providing access to open educational resources. That's just a happy side effect. What they wanted to do and what they were very clear about doing, as they went through the process of launching OCW, was to say "This isn't an education. If you want an education you have to pay the ten, twenty, hundred thousand dollars and come to MIT."

David: Where did (Anya?) go? Hundred eighty-nine thousand, I think, is what Anya (Spurrier?) said.

Stephen: A hundred and eighty-nine?

David: Yeah, for the four years.

Stephen: Okay, so I'm actually underestimating . Right, that's a stroke of genius. They've convinced people who before were thinking the internet killer app will be education (remember John Chambers?) with the stroke of a pen, almost, they undercut that idea and say "No. Education is what happens at MIT." And so they reinforced the brand of course, but reinforced the idea that you can't get an education on your own, you have to come to MIT and learn from whoever's at MIT.

David: Well isn't that reinforcing the idea that the dialogue and the discussion and the discourse are all critically important parts of the …

Stephen: Well those are all critically important parts but it doesn't have to happen at MIT, right? And so it's a rebranding, but it's also a conceptualisation of learning. Learning is the organisation of materials in this way such that it corresponds with this dialogue that takes place where? At MIT. I don't know where we go with that but …

David: Yeah. No that, well I started with a kind of random disconnected thought and now it's ended up disconnected so we shouldn't be surprised.

Stephen: We shouldn't be surprised.

[Next topic]: Education and licensing. For those, for that one person who is not familiar with the point of dispute here...

David: I think this is going to be the most surprising one of all.

Stephen: Because you're going to agree with me?

David: We'll see.

Stephen: We'll see.

David: Maybe you're going to agree with me.

Stephen: I think that we will find some common ground but we're going to have to keep the rest of this stuff in the background because, anyhow, because I think it's important.

You know, like I throw glib remarks around like framing and commercialising and so on but you know, I try in the first segment to represent the system of learning only partially as a system of learning but also as a system of marketing. And when you say a course is the most efficient way to get to say …

David: I must object that it's a more efficient way than doing it completely on your own.

Stephen: I, well… I'll go with more efficient, the key word here isn't "most," or "more," the key word here is "efficient," right? And you say a course is the more efficient way of getting to a knowledge of geometry. I represent that in my mind as something along the lines of, "they've got you fooled into thinking you need a quote-unquote 'Knowledge of geometry'." As I remarked right at the end of the previous segment, they've got you going very quickly down the wrong road and I think that's really important.

David: The road is the topic of study is wrong? "I don't need to know geometry," is that what you're, I want to understand what you're saying.

Stephen: Well mostly you might not, geometry might be a bad example because it is so foundational to many other things that we do but, but you know, I mean I can imagine entire lifetimes lived without a need to access the principles of geometry, a lawyer maybe. I don't know. Okay, maybe that's a glib remark about lawyers, but you know what I mean. I mean, it's going to come up in a lot of contexts, but in other contexts it's not.

But even more fundamentally, the representation of a knowledge of geometry as 'that which is attained after having completed a geometry course' to me is a misrepresentation of what could possibly be construed as a knowledge of geometry. And you yourself provided the example of having taken all of these courses in whatever it was, factoring …

David: Statistics.

Stephen: Yeah, and still not being able to do what it was that you took all these courses to learn how to do and how could that have been efficient, you know? I could imagine you maybe not being able to do it now as well as you could ten years ago, but to be stymied and feeling like a novice again is almost incomprehensible. And so I look at that and I'd say "Well you did not in fact actually learn these things."

And when I say that, I mean something along the lines of "Your brain did not grow sufficiently so as to be something that has learned statistics," or this particular aspect of statistics, that you may have had some, to use an old style terminology, superficial impressions that were sufficient to get you through

tests but the actual formation that would have taken place through an alternative, more immersive, more engaged process than simply taking a course would have been... my sentence is falling apart, but that alternative process would have been learning. This wasn't learning, and therefore wasn't more, much less most, efficient.

David: So I will disagree with you on these grounds. Like my knowledge of statistics, at one point I was a very fluent Japanese speaker. I could pass on the phone as a native and meet people and they would be surprised that I was a *gaijin.* Now I don't use that skill hardly at all anymore. It's been fifteen years now since I really made heavy use of it and now I am not a fluent Japanese speaker. I can sort of get by. I can order in restaurants and do the basic things but I don't think that's because I didn't actually master Japanese or I learned it in a superficial way. I think it's because when you let a decade or a decade and a half pass without using a moderately technical skill that you lose it if you don't practise it and stay up on it. I don't think it's that I didn't understand Japanese and that I hadn't really mastered Japanese fairly deeply. I think I just let it get old and it kind of rotted because I never dug it up and practised.

Stephen: I think that you would find that you reacquire your Japanese remarkably quickly if you were in a Japanese speaking environment. I think that, you know, I doubt, or I can test your contention that you don't actually any longer know Japanese.

David: The basics, yes.

Stephen: Yeah.

David: The more technical stuff no. And this is the same statistics example. I can still do basic statistics but this kind of statistics I'm trying to do is fairly technical and fairly nuanced and there are a lot of assumptions and I just haven't used them in ten years and I've forgotten them. And reading up on them hasn't been enough to put it all back together. You know, I need a person to talk', I need a person to help me through this process; just the material isn't getting it done for me. So, I don't think that is a commentary on the courses, I think it's a commentary on what happens to the decay of a skill or decay of knowledge or forgetting or whatever overtime if you don't practise, you lose access to that expertise or knowledge or very basic.

Stephen: Well I can still draw the same point over because we spend twelve, sixteen years of our lives taking courses and then we stop taking courses at a certain point. I would argue that in the ten years that follow, we don't use ninety percent of the stuff that was in those courses, right? So let's take your point of view as given, that after ten years of non-use you no longer know the stuff, I'll just accept the fact as a point of argument. So ten years after your education you no longer know ninety percent of what you took from your education. How then, I ask, is it that your education was efficient? I mean at best you have ten percent left and you only have that ten percent because you spent the time between the end of your education and now actually using that ten percent. So the rest of it, you can't have it both ways right?

David: Actually it sounds like you're having it both ways.

Stephen: Well I …

David: I think you're making a very utilitarian argument about if you're not. "If what you're learning isn't something you're going to use in your everyday life, you're going to use it very regularly and very frequently, then it's pointless for you to learn it," is the argument I hear you saying. Why did I spend ninety percent of the time learning all this other stuff if I was never going to come back to it?

Where my perspective would be, I cut a pretty broad path through my graduate programme so that I could learn about many different types of research that I could do and I got workable enough in all of them to then make an informed decision about which kind of research I wanted to do and I went down that path and I left a couple of other methods to the side. I'd learned enough about them to be able to make an informed decision about, you know, whether that was the kind of research I wanted or not, decided it wasn't and I, you know, used a different set of methodologies.

Now I would not trade having had that experience and making an informed choice for someone saying, you know, I can tell that you're going to do this kind of research, so we'll just train you in one technique and you don't need to ever take a course in the others because you're never really going to use them anyway because I wanted to make that choice for myself. And you might say "How is that efficient?" but I want to make that choice for myself.

Stephen: But that's a different efficiency I think. That's, you know, we're not on the core curriculum kind of track anymore, we're on the David wants to explore kind of track, right and …

David: Because when you're doing a PhD you're past the novice part and more in sort of expert sort of range I would argue.

Stephen: Well if you're doing grade eight geography you're past the novice part.

David: Let's come back around to OER.

Stephen: Yeah.

David: We can disagree about these other things later.

Stephen: Well but it matters. But yeah, we'll come back to this.

All right, the licensing debate. In the realm of content, which is what open educational resources are presented as - notice how careful I'm phrasing this - open licensing is typically accomplished using either Creative Commons or the, or the GNU Free Documentation Licence less frequently, and that's it. I can't really think of others - well, except your open licence as well.

David: Yeah, although thankfully the last holdouts who are RedHat and some of those other folks are talking finally about migrating off of that to the Creative Commons licence so I think we can finally almost lay the whole matter to rest.

Stephen: And to a large degree I think that's what we're seeing, the Creative Commons licensing is the de facto standard for open content.

David: Yeah, I think that's accurate.

Stephen: Which sounds fine except of course Creative Commons is not a single entity but rather a set of licences, and the set of licences is created by allowing the licensor (the person who owns the resource and is offering the licence) to make a set of choices.

And the choices are: attribution verses attribution not required...

David: Actually that's no longer a choice. That's required on every licence now.

Stephen: I didn't know that. Isn't that interesting?

David: Because in version one of the licences it was ninety-eight percent, does somebody know? [pause] Ninety-eight percent of everybody was saying you have to attribute me anyway so from version two forward they just said, you know, "Forget it, we'll put attribution in every licence."

Stephen: Shows you how long it's been since I've updated my licences. I didn't know that. That's news to me. Oh well, you learn something every day. This was today's lesson.

The way Creative Commons originally began was you made choices, attribution or non-attribution. The second choice I think is still extant, you can choose between commercial and non-commercial, share-alike and not share-alike and then, more recently, derivative use or non-derivative use.

David: Well share alike and derivs are kind of opposites each other because …

Stephen: Yeah, again that's, it depends on your perspective on these things, etcetera, etcetera. But the main point is people can opt for different licences. My own content on my website is what I call open content. It is licensed under Creative Commons, attribution - because I still use version one because I'm a stick-in-the-mud - share alike, non-commercial. I don't care about the derivatives.

But the argument presented is that this is not really quote-unquote, "free," that "free" licensing would be... I'll turn it to you.

David: So this argument is very confusing to me because you would think that the freest licence would be the licence with the least restrictions on the person, so something in the public domain would be freer than something that's copyrighted, offered under a licence, something licensed CC zero (which basically says "I give away all the rights I'm possibly allowed to give away by law,") would be a freer licence than something else.

But there are a number of people in the world who will argue with you that attribution share-alike licence is actually the freest licence because what we, we don't care about freedom of the user, the downstream user. What we care about is the long-term freedom of the content. So if I say attribution share alike then that guarantees that content and all of its derivatives will always be available for free.

And we should privilege ongoing freedom of content over the freedom of the downstream user to make choices about now that I've made this derivative, do I want to use a different licence, do I want to commercialise it, do I want to do this, do I want to do that?

And this isn't talked about a lot in the licensing debate (well there are people that argue about which licence is the freest licence but we don't get to the nuance) . Do we care more about the freedom of the ones and zeros in here or do we care more about the freedom of people who are going to make use of those ones and zeros? I guess I'm giving away my own bias in the way I'm framing my comments. But there are a large group of people who feel like the share-alike licence is the freest licence because it guarantees the freedom of the content forever. There are other people who feel like the freest licence is the one that provides the most freedom to the downstream user of the material to do with it what they will.

Stephen: Okay, that was a direction taken that I wasn't exactly anticipating but that's cool. First I want to bracket something. I just want to just make a parenthetical remark about the form of an argument here. Go back to learning objects and there used to be, maybe there still is in some circles, a big debate about what kind of object could be a learning object and the argument was a picture of a duck couldn't be a learning object because there was no learning in the …

David: There was no instruction happening.

Stephen: There was no instruction.

David: Happening.

Stephen: Right?

David: Right.

Stephen: And, of course, my position, which I articulated in the first half, was that what makes it a learning object is if it is used for learning. That, the idea of having learning in the object itself is a misconstrual of what we mean by learning. Now we come back, come back here …

David: There are people who call them instructional objects.

Stephen: Yeah.

David: By the way.

Stephen: Yeah, and they may be, they can use whatever definition of instruction they want and call them instructional objects but again, what is that? Well, is it an object that instructs, does it perform some kind of function, is it an object that is used to instruct, you know, I mean we run into the same sort of thing. You know, if you call it instruction …

David: ...sorry.

Stephen: No, that's fine, but this caution with terminology is important here, you know, I know sometimes it makes me seem a bit pedantic to get into that …

David: No, because our later arguments are always about the words.

Stephen: They are.

David: So let's do it at the beginning instead.

Stephen: And the words, roughly speaking, represent ways of seeing the world and so when I'm arguing about the meanings of words I'm arguing about ways of seeing the world and one way of seeing the world is to imbue objects with human characteristics. The chair is sitting, right? The tree is leaning over and wants to fall down.

David: Information wants to be free.

Stephen: Information wants to be free. But of course, we know that these are objects. They are not capable of having these properties because they are just not the right kind of things. A chair is not the kind of thing that sits, you know, sitting is something that humans do. If you don't like that example then information wanting to be free. To want is to be in a particular cognitive state and information, even the most complex information that we can imagine just isn't capable of being in that state. So learning objects, the learning can't be in the object. The learning has to be, in my mind, in the person.

David: I won't argue that with you.

Stephen: Ah, but you might have at one point. But now we come to the present debate, same structure of argument, right? Where is the freedom? Okay? Information wants to be free. Well information isn't the sort of thing that can want to be free. Information isn't even the sort of thing that can be free in any sense of freedom that we have in mind. At the very least the only sense that we can make out of the sentence "Information is free," or "content is free," is that the person who has content, the person who has content is not charging money for it because, you know, the idea of, you know, I just have this picture of content roaming freely over the veldt, you know, like, so the representation of content as being free is, in my mind, misconstrued.

I think that the distinction that you drew is useful but incorrectly stated, and the correct statement is the freedom of, shall we say, users of the content or let us, to be more precise again, the freedom of people who do not yet have access to that content, versus the freedom of people who currently do have access to that content (and I'm separating between producer and user, but the words 'producer' and 'user' bring in a whole mythology that I don't want to bring in).

David: It's fine.

Stephen: Okay.

David: I do think you're making a different point though. I …

Stephen: But I think I'm making a more accurate point.

David: I disagree. I think that the people that I know in this conversation really think that content is more important than people and they care about the content retaining a certain set of licences over its lifetime more than they care about the people being able to make a wider range of uses of that content. And it kind of troubles and disturbs me that it really is clear that they privilege the contents' rights over its lifetime if we can say content has a lifetime, over a person's rights.

Stephen: I think it's interesting that you find that the licence is a property of the content rather than the property of a person.

David: You don't licence people.

Stephen: People have licences.

David: People apply licences to content. They don't apply them to themselves.

Stephen: Sure they do. If the licence attached to content did not apply to people in any way the entire discussion would be completely moot.

David: But it only applies to a person when they are interacting with the content. Right, the, the …

Stephen: Yeah.

David: I don't put the Creative Commons badge on myself, I put it on my web page, right? I put a licence on the content that tells you what rights you have with regard to the content, not what rights you have with regard to me. I'm not licensing me. You don't licence a person. You license a piece of content.

Stephen: But a person, the licence that I have to use a piece of content is not granted to me by the content.

David: No, it's granted to you by a person.

Stephen: Right. A licence is an agreement, however open ended, between two people.

David: Right.

Stephen: With respect to content …

David: In this case.

Stephen: … but it is not a property of the content.

David: It's a property of a person instead? Or it's not a property of anything?

Stephen: If it is to be said to be a property it is a property of a person.

David: I don't follow you.

Stephen: Okay.

David: I understand it's a person who makes the choice of which licence will be applied to the content but at the end of the day the licence is applied to the content, I can say, what's the licence for your blog?

Stephen: I can respond in one of two ways. I can say it is Creative Commons, non-commercial, share alike.

David: In which case I would say that it's a property of the blog, it, the property's licence (…)

Stephen: But what I mean when I say that is I allow people to use my content non-commercially.

David: Right.

Stephen: The statement of the licence is meaningless without the addition of the phrase "I allow." Okay?

David: Agreed.

Stephen: That is the essential component of the licences, me allowing you to do whatever.

David: Right, with the content. Not allowing you to do whatever.

Stephen: Right.

David: To do whatever with the content.

Stephen: With the content.

David: Your licence is a statement about how people can use content.

Stephen: It's a statement. This is my property, this is my stuff and I let you do whatever, certain things with it.

David: I'm giving you these permissions with regard to the stuff.

Stephen: Right, okay. So …

David: But if the permissions are with regard to the stuff, how can those permissions not be a property of the stuff? I don't know, I'm not trying to be a moron, I'm just …

Stephen: No, no, no, I understand, I understand exactly what you're saying, it's definitely not moronic. It's tricky and again and it does, it very much is you know, it's perspective kind of thing, you know, looking at it this way we can say "Oh yeah, it must be a property." Looking at it this way, it's like "Well it's not a property, it's something that people are doing."

David: So if I choose to let you purchase an iPod for a certain price, I make an agreement with you that I'll grant you certain rights in this iPod if you meet certain conditions, pay me a price in this case. Then

you're saying the price isn't a property of the iPod, the price is a property of you and, some agreement that we make with each other?

Stephen: Let …

David: I'm trying to find another example.

Stephen: Strictly speaking, yes. I mean, because the very same iPod under ever so slightly different conditions wouldn't have that property at all. You know, at the very most it's a very, very contingent property of an iPod and a property that can exist only with respect to the interaction that we have with ourselves.

David: Agreed that it only makes sense in the context of the interaction of two people, it's just …

Stephen: So let me be clearer because a lot of the confusion is me not being sufficiently clear.

David: It might be me just being thick headed.

Stephen: No, it isn't, because everyone else is in the same state of confusion regarding my remarks. That's a sign. It's a sign I see a lot.

Because a part of the problem is, I used a very general term like 'property', right? And of course anything can have properties, right? This cup has the property of being white, right? And so property is one of those words, it's very open ended, you can use it, this cup has the property of being owned by me, right? So what I'm trying to get at with my remarks is not that the cup is property free. That would be silly, right? And it's not even the sense that the cup cannot have properties that are specific to my owning of the cup. That is true.

But I have properties with respect to this cup that this cup cannot have with respect to me. We can create inverse properties, I own this cup, this cup is owned by me, right? But I can't give this cup the same property that I have. I own this cup. I cannot say this cup owns me because I'm a human, I'm the sort of thing in this world that can own things. We have two things that can own things, well, three if you count governments. Persons, corporations and governments, right? I don't think there is anything else that can own things. Cups can't own things, right?

We come to free. I'm a person that can be free. My cup can't be free. You know, freedom isn't the sort of property we attach to a cup.

David: Freedom of action, freedom of speech …

Stephen: Yeah.

David: … freedom of …

Stephen: The only sense in which the word free makes sense is with respect to price, right?

David: Mmm hmm.

Stephen: I could say, now, and all of a sudden our logic inverts, right? This cup has no price. This cup is free, okay, that makes sense but now I can't say of me I have no price. I'm not the sort of thing, at least under our current laws, thank goodness, I am not the sort of thing that can have a price. Okay?

So there's a disconnect, a fundamental disconnect between using the word free to refer to both the person and the content.

It must mean different things. So we can't simply say the freedom of the user versus the freedom of the content. They're different concepts. They must be different concepts because content isn't the sort of thing that can be free in the way a human can be free.

David: So shall I restate?

Stephen: Go for it.

David: So instead of saying that there are some people who privilege the freedom of the content let's say there are some people who care more about the ongoing licensing status of the content and all its derivatives.

Stephen: Right.

David: Okay? And there are other people who care more about the freedom of the user, let's say there are some people who care more about the rights a user has with regards to content or any of its derivatives. What are they allowed to do with it?

Stephen: You see, I still want to represent this as a clash between the rights of the person who has ownership of the content...

David: Of which we assume there's one.

Stephen: Right.

David: Well there's …

Stephen: For the sake of argument.

David: (…) Okay. And then there's everybody else in the world.

Stephen: Sure.

David: Okay.

Stephen: Okay. So, the people who argue that the non-commercial clause promotes more freedom are the people who are most concerned with the rights of the people who currently have the content, who currently own the content.

David: Are there - now you, now you really are going to think I'm an idiot - are there people who argue that licences that use NC are more free than ones that don't?

Stephen: Yes, me. That's why we're having a dispute.

David: Okay.

Stephen: That's, that's …

David: I really am disconnected.

Stephen: Well, like I said, you know, it goes back to me. It's a question of perspective.

David: Okay, so restate what you just said, people who care, people who argue in favour of the NC licence.

Stephen: People who argue against the NC licence.

David: Oh against the NC licence, okay.

Stephen: People who argue against the NC licence are people who care predominantly about the freedom of those people who currently have or own the content.

David: Okay.

Stephen: The content providers if you will, quote-unquote.

David: And for the sake of argument let's talk about the author and everyone else in the world, just to keep it, I realise it's more nuanced than that, but just to keep it …

Stephen: It's a terminological convention that we're using.

David: … to keep it clean let's say 'people who care more about the rights of the author.'

Stephen: Right, (…) it's only a convention because as you know, most of the people who have these licences are not in fact the actual author. Right?

David: Understood.

Stephen: My perspective is the perspective of the person who does not yet have access to that content.

David: Everybody in the world except the author.

Stephen: Everyone …

David: In our caricature

Stephen: In our caricature, everyone else in the world except the author.

David: Okay.

Stephen: Okay. They do not have access to the content.

David: Until the author decides to license it to them in some way.

Stephen: Right.

David: Right.

Stephen: Okay. Now, to those people ...

David: ...who care about everyone else in the world more than the author...

Stephen: Right. If the person, if the author charges money for the content, the content is not free. So a licence which allows the author to charge money for the content is less free than a licence which does not allow the author to charge money for the content (you see why the word author's so misleading here)?

David: Well I think the really problematic word is the word "allow," because there's no licence that disallows the author from charging money for the content.

Stephen: Yeah, well again that's the use of the word "author," has thrown us off, right? That's why I say "the person who is currently in possession of the content".

David: Yeah, but there's no licence that prevents the person who is the rights holder, there's no licence that prevents that person from charging money.

Stephen: Agreed. I understand that.

David: But I think, I thought what you just said was that...

Stephen: But there are licences that prevent people who have the content from charging money from it, for it.

David: You mean everybody else in the world, once they get access to it, charging for it?

Stephen: Right.

David: Okay, yes.

Stephen: So the author is a very singular case, right?

David: Let's say the 'rights holder' instead of the 'author'.

Stephen: Let's say the 'rights holder' instead of the 'author' because it, you know ...

David: It could be a corporation.

Stephen: Yeah, because there is this mythical pre-licence state that content may have, you know, and even that is not a given, right? I mean like we made a decision as a society, I don't know, twenty, twenty-five, thirty years ago to change the default from, you know, content that comes into the world

does not have a licence to content that comes into the world does have a licence by default, all rights reserved, right? That wasn't always the case. But, you know, I can imagine societies in which you cannot sell the content unless granted special permission, say, so even that's not outside the realm of possibility. You know, the caricature communist societies that some people represent, "Oh there's no property, you can't sell anything," right? You know, we can picture that so it's not unimaginable. But the convention of society today is that a person who creates content, creates pretty much anything, can sell it.

David: So what is the disagreement between you and me? I would like to know.

Stephen: All right. You argue that - well, I've seen you argue it and if I have to I'll look it up - everyone should licence their content under, not under a non-commercial clause.

David: I have argued that in the past.

Stephen: You have argued that. Why don't you state that argument so that it's accurately represented?

David: Yeah, good idea. And I will state …

Stephen: Cos I've been trying to fish it and just want, let's bring it out.

David: And, so I'm going to add some nuance to it as well hopefully.

Stephen: I love nuance.

David: So let's go back eleven years because you can actually blame me (well not just me, I'm going to throw some of the blame on Eric Raymond here as well).

Stephen: Sure.

David: But there is a handful of us you can blame for the non-commercial clause, and it's not Larry and it's not (Jamie Boyle?) or any of those other people at Creative Commons. This all has its roots in the (OPAL?) okay?

Stephen: And the non-commercial clause would have had to of been invented …

David: At some point.

Stephen: … if they hadn't of done it because you look at the surveys, the big thing that everyone's concerned about is you know, people taking their stuff and selling it.

David: So that's part of the story I want to tell.

Stephen: Right.

David: So as we started doing... so there's actually a licence before the OPAL in ninety-nine called the open content licence which was just the GNU changed around to take all the software specific language out but content language in. And I promoted that for a little bit of time and then eventually being an

academic I thought I really want journals and textbooks and other things like this to use these licences. So I guess I need to talk to a publisher at some point to find out what their concerns will be if the journals ever to adopt an open licence like this or if a textbook is ever going to. Best case scenario, (something) everybody in the world can understand. Who's a publisher that understands openness better than anybody else? I'm going to talk to Tim O'Reilly.

So in conversations with Tim and Andy (Orham?) who was a, and I think still is an editor there, and then with Eric Raymond and some other people, there are four or five of us in this conversation. "Tim, if you were going to openly licence a book, what would it take for you to be willing to put a book under an open licence?" Or maybe it was Andy who responded. Anyway, the question's directed at O'Reilly Corp.

Stephen: sure.

David: You know, what would it take? And the response was, "Well, there's a lot of, it costs a lot of money to find authors, to support them in writing content, to get it copy edited well, to lay it out, it costs a lot of money to do all this upfront stuff. And what we wouldn't be willing to do is we wouldn't be willing to make that big investment on the front end and then have Bob's publishing down the road just photocopy our book and sell it ten dollars cheaper than us after we come out to market because we make all the investment and then we're not able to recoup any of our costs."

Stephen: Right.

David: So the open publication licence had a clause that said, which you could choose to invoke or not, you cannot take this material and publish it in traditional print form for a profit. You can try to sell it digitally, you can try and do whatever, but this was a licence targeted specifically at publishers and what they wanted protection from was print undercutting by the next guy down the road because they felt like if they made all the investment in the book they should have some ability to try to recoup that cost and be defended from other people undercutting them in some way.

Stephen: Well let me just stop that because that's a very funny sort of thing because it allows them to print it out and distribute it for free which is as much undercutting as it's possible to do but as soon as they charge one cent for it, which is less undercutting, then they're violating the licence.

David: Right, right.

Stephen: It's an interesting history of it, isn't it?

David: In fact I think you could probably, you could probably print it out and charge your cost for printing and be in compliance with the licence, I just don't think you could sell a printed copy for a profit.

Stephen: So it's protection from the other profit making entities.

David: Right.

Stephen: So …

David: Not protection from people that just want to share with each other or, that's not who they're trying to protect themselves from.

Stephen: Which I think is really significant.

David: Yeah, and something that got lost in the translation from the open publication licence which has a very specific audience and target of book publishers (journal?) publishers, whatever into a, because the clauses in the OPAL were attribution, derivatives or not and non-commercial or,you know, this print for profit print restriction.

Stephen: So you're saying Lawrence Lessig didn't just invent all of this from scratch?

David: And neither did I, you know, Eric Raymond helped, the guys at O'Reilly helped, whatever, but when you take that and you generalise it up a level to say "Now we're going to make a general licence, define what you can't do, you can't do anything commercial." You know, then it gets to be, you don't understand why, it's confusing, whatever, I think that clause in OPAL made a lot of sense. There's a reason for it, there's a population that said they wanted it and to me as kind of the driver behind the licence it was look, if that's what publishers want, that if there's not, none of their content's ever going to become open, then that's a concession that we need to make to them so that at least people can share for free all the stuff that they have even if other people can't try to sell it.

Stephen: Right.

David: I'm never going to be a publisher, whatever, was my thinking at the time, right? So with that as background, there's the non-commercial clause in the Creative Commons licences [and] there are people that have a moral issue with the clause. I wish I could get to the point of having a moral issue with the clause but there's so many technical problems with the clause that I can't even get round to having a moral issue with it because no one knows what it means and if we don't know what it means, how can I have a moral issue with it, except maybe I hate things that are vague, morally, you know.

So there are people who make an argument that says if that licence is going to prevent me from selling at a profit then when I'm trying to start my little micro franchise business in Jo'burg or someplace, selling copies of Creative Commons material, what you're telling me is it's okay if I lose money doing that or you're telling me it's okay if I just break even doing that but what you're telling me is I'm not allowed to make a living for myself by helping other people get access to this material.

Stephen: Funny way of putting that.

David: But that's the argument, right? I want to print this stuff out, I want to do this service for people, I, if I'm going to spend all my time doing that and I'm not going to be growing my garden or doing whatever else, I'd like to at least be able to eat off of that activity, and your non-commercial clause is morally reprehensible because it means that I can't make a living trying to help people get access to this material. That's the morality argument around non-commercial.

Stephen: Okay, can we deal with that quickly first, dispense with?

David: You're welcome to have a go, sure.

Stephen: Well, because I hear that one a lot and you know it makes me sound like the big mean guy who's trying to prevent people from making a go of their lives in South Africa and like, you know, which isn't me at all. But imagine a law that said I can't go into your apple orchard and take your apples and go onto the street and sell them, alright?

David: Don't we have that law?

Stephen: We do, but that law prevents me from making a business of selling your apples for profit. Now there's reasons why we have that law, right? Like, for one thing, they're your apples.

David: Right.

Stephen: And, you know, one of the fundamental principles of property law is that, you know, property is continuous until voluntarily discharged, mostly. In other words, you know, you can't steal other people's property. So that's find, we're all pretty comfortable with that law even though it means somebody can't make a living selling your apples, right? And nobody says, I think, that we are less free because some guy can't come and take your apples and sell them. In fact we'd say the opposite, we are more free because we can have security in our own person and property, right?

So the moral argument doesn't carry weight here in that there's any number of things you can't do in order to make a living. You know, we don't want people to practise piracy off the coast of Somalia, right? Although from the perspective of the pirates, we're just impinging on their efforts to make a living. So should the people in Johannesburg have the capacity to make a living for themselves? Sure. Absolutely. That moral principle I grant. Should that capacity extend to the selling of these things? No, that doesn't follow. So the morality only comes into play in so far as it addresses the need of a person to make their own living, but it doesn't extend to the need of a person to make their own living in this way.

David: I will make a note and then leave it to the side.

Stephen: Okay.

David: That your arguments around real property make sense in the case of real property but in the case of, I won't even say the other phrase, in the case of digital materials which I can make a perfect copy of at no loss to you, I think that argument becomes problematic.

Stephen: Well …

David: I don't know that that's what we want to spend our time arguing about though.

Stephen: No.

David: But I do want to bring it up. And I think the other piece of this is, yes, there are laws by default that say I can't walk in and do whatever but here's a movement of people who claim to be open and claim to want to share and they're creating these special licences in order to do this thing and well now

you're a big hypocrite because you're associating yourself with this movement that's all about openness and love and whatever and now you're putting this particular restriction on me. Most problematic because you're in violation of one of the ten rules of Bruce (Perren's?) definition of open source, which is non-discrimination against groups of persons or fields of endeavour or one of these things, and because those are a set of ten commandments that we hold inviolate, if you discriminate against a group of people who want to make a living with a particular clause in your licence, you have broken, you know, you're not in conformance with the open source definition which we hold sacred and holy and those principles should be inviolate and you're violating them so you're an immoral person. That's the kind of thinking.

Stephen: I know, I understand the thinking. I don't think that, well it's certainly not a line of reasoning I would accept for a variety of reason and the way you're presenting it I don't think you accept it either.

David: Yeah, so let me come back to accurately stating my point of view. So I've argued against the non-commercial clause in the past. I don't know, I don't think, although I would be happy to be proven wrong, I don't think I've ever argued against it on moral grounds. I think I've always argued against it on technical grounds. If we don't know what it means …

Stephen: Well, you have advanced the argument on technical grounds, no question about that.

David: Yeah, if we don't know what it means, why would we adopt this clause? If I don't know if you can come back and sue me or not or if someone else can or whatever you know, if the author of the licence can't tell me what this clause means, which they can't, then why will I feel comfortable trying to protect my information with this instrument that even its creator doesn't know how it functions? All we know is that there's some common sense agreed upon notion of what commercial means that we should all assume everyone else is going to have the same definition, which we do know they *don't*, based on the stuff that's coming out of the survey that Creative Commons is doing ("what does non-commercial mean to you"), and it's not one unified voice speaking clearly about what commercialisation means. So I'm just going to trust that we have the same definition of commercial and non-commercial and when I license it to you this way, you're going to do basically what I assumed you were and if you don't, what recourse do I have if even the people that created the instrument can't tell me what restriction I've actually placed on my material other than some very high level common sensey kind of …?

Stephen: Well, if you put that constraint, let's address this at a certain meta-level first.

David: All right.

Stephen: Because if you put that constraint on things then nobody can do anything. Or maybe I should use that, use something. Suppose, say, I give you this camera, alright? So let's pretend, and I'm not actually doing it.

David: No, it's on video, you're giving me the camera.

Stephen: Okay, so …

David: It's mine now.

Stephen: … let's pretend, okay, that I say "I am giving you this camera." Now, do I know what that means? Do you know what that means?

David: It means it's mine. My two year old, sorry, I have young kids.

Stephen: Well, yeah, but …

David: It's mine!

Stephen: But that's fine, right?

David: Uh huh.

Stephen: Now as soon as we've pushed this we can get into some nuance. For example, unknown to me, I have given you the camera with the flash memory still in it and with pictures on the flash memory. Have I given you those pictures?

David: Given means what?

Stephen: Exactly.

David: You've transferred them to me physically.

Stephen: Yeah, but, but …

David: But you hold the copyright on them as their author.

Stephen: So maybe I haven't given them to you.

David: Right.

Stephen: So as soon as, you see, you can't just say, "Well because we don't know what it means we can't do it." Right? That argument doesn't hold.

David: I would disagree in the context of licensing. I mean that's …

Stephen: What is more basic to licensing than the transfer of a camera from person to another?

David: … fifteen, twenty, forty pages long because they cover every synonym, every possibility, every whatever so that no right thinking person can stand in front of whoever, stand in front of you like this and say "Oh, when it said promises, covenants, contracts, agreements, blah, blah, blah, blah, blah, blah, blah, blah, blah, whatever, I didn't realise it meant this thing that I said I would do."

Stephen: Okay, you know and I know that when they say "I didn't realise," they're lying, right? And you know and I know that the licences, the thirty, forty pages are mechanisms to allow for this kind of lying to become institutionalised. Because you know and I know I give you the camera, that's a perfectly

straightforward transaction that does not in fact need forty pages. And you know and I know that a definition of non-commercial, very simple like you can't make money off of it is something that you and I can both understand in less than a paragraph of definition.

David: I disagree. So …

Stephen: But not reasonably.

David: No, I believe I reasonably do. So for example, I take …

Stephen: I'm taking my camera back. See, I didn't really give it to you.

David: You didn't really give it to me.

Stephen: Sure, so …

David: So for example you, if I took your content from your website, reproduced it on my own website, ran Google ads on that website …

Stephen: Then you're making money off it.

David: But not if I only run ads 'til I've covered my hosting costs for the month because the cost for me to provide that content to the world is my hosting costs so I don't profit until I've covered my cost. So I'm only going to sell ads until I've made the seven ninety-five a month that I need to pay for my hosting and now I haven't profited from your content, all I've done is cover my cost to provide it to other people. Have I used it commercially now or not?

Stephen: So when you make your seven ninety-five you're going to take the ads off or …

David: Yeah.

Stephen: … you're going to tell Google "stop paying me now"?

David: No, I'm just going to …

Stephen: Does anybody ever actually do that?

David: What I'm saying is …

Stephen: Because we, you know as well as I do that …

David: No, no, no.

Stephen: … the ads don't just cover the hosting cost.

David: A lot of times they don't even cover the hosting cost but this is …

Stephen: That is Google, yeah.

David: This is one of the main points of argument in the community. Am I, if I cover my costs, am I making a commercial use or not?

Stephen: Right.

David: And it, there's very large groups on either side who say "Yes, if you, if a penny comes to you as a result of your use of that content you've made a commercial use." And there's another group of people that says "Look, if I take it down to Kinko's and they charge me thirty dollars to print it all out and I pay them just to cover the cost for printing or whatever, that's not a commercial use because they haven't profited." And there are, there's a very reasonable, right thinking disagreement about this. If I cover my cost, is that a commercial use or not? If I print it out for you and charge, or if I burn Red Hat to a dvd, well Red Hat's software. Anyway, is covering my cost a commercial use or not? The world's sort of evenly split on that question so when you licence your stuff with NC licence you hope the people that use it are the ones who agree with your view of the world and about half of them maybe don't.

Stephen: No. But, no, it's not that simple. See, your, how do I want to present this? The simple fact that some people think covering your costs makes it a commercial activity doesn't entail that in fact covering your costs makes it a commercial activity. So I don't need to defend the perspective that certain people have simply because they have it. I think that should be clear.

David: But you understand that when they see the NC clause on your blog, that's what they're going to understand it to mean and they're going to go cover their costs, they're going to go generate revenue from your content and you're okay with that?

Stephen: Generate, well, but …

David: Not profit, revenue.

Stephen: But the thing is, okay, let's back up, let's back up, okay?

David: And the worst part of my story's yet to come so …

Stephen: No, no, no, I'm fine because, the mistake that's being made with this sort of characterisation is the presumption that we can distinguish between commercial and non-commercial using some essential feature of the activity, right? It's commercial because you did this. It's non-commercial because you did not do this, right? So, and in this case we have the case where a person is saying "It's commercial because they charged money," as opposed to "It's commercial because they made money." Okay? But a common sense understanding of commercial isn't one based on this one factor.

David: No, there are many other factors they disagree on as well.

Stephen: Yeah, but, but the concept "commercial" is a combination of a large number of practices, one of which is 'making money', another of which is, say, 'deriving a livelihood from', another of which is 'setting yourself up as a certain kind of entity', aka, a company or a corporation. Do you see what I

mean? And I argue that a reasonable person who's not caught up on this one fact or definition of commercial can look at an activity and say whether or not it's commercial.

David: So it's a pornography test? It's "I know it when I see it but it's impossible to define ahead of time?"

Stephen: Exactly.

David: Is that what you're saying?

Stephen: And it is a mistake to attempt to define it ahead of time, and even more significantly the attempt to define it invariably leads to loopholes that are used by people attempting to subvert the intent of the definition. You know, "It's not really commercial because even though I've set up a company and even though I'm charging money, I had such a bad year I didn't make a dime so it's not commercial." It's just, you know, "Our company lost fifty million dollars last year so it's not commercial." Right? Well we know what commercial is when we look at it. And we have a good common sense understanding of the distinction between a private domain and even a philanthropic domain and a commercial domain. And these are sufficiently well understood that we don't need to appeal to a certain necessary or sufficient condition to establish that it is so.

David: So two comments, the briefer one first. It seems like if you can't define a set of permissions then it's odd to try to put them in a document which specifies the permissions that you're granting to a person if you can't define what the permissions are.

Stephen: The permission is you can't use this commercially. Your, if I may say, error is saying that my condition is reductive to an additional set of conditions. There is no reduction to another set of conditions. Right? There is only using it commercially or not using it commercially. And then you use the test of reasonableness, the way we do in law, to decide, right?

David: So, so …

Stephen: Nobody would ever say theft consists of this and this and this and this action. First he has to break into the store, then he has to actually pick up the, you know, you don't do that. You look at the totality of his actions and you ask, was that theft?

David: So take Creative Commons itself, the organisation. Take MIT OpenCourseWare, both of whom we would think of as being reasonable entities, intelligent people, they even share a common board member, etcetera. So you can go to the MIT open courseware web page - and I'll get it wrong if I don't so permit me just a few seconds - You go to the MIT open courseware web page and read on their terms of use what non-commercial means and they say non-commercial, the commercial versus non-commercial judgement has nothing to do with the user and the nature of the user whether it's an individual or for profit or non-profit or whatever, it's all about the nature of the use. Okay, so it is completely possible for IBM to use MIT OpenCourseWare licensed stuff for internal training, for, well internal training covers a lot of stuff, orientation, for training their own people because they're not out there trying to profit from it. They're, so they're not using it commercially.

Stephen: Sure.

David: At Creative Commons, it's defined by the nature of the use, not the nature of the users.

Stephen: That's fine.

David: Now, on Creative Commons website for a period of time, although until, once I pointed it out it was quickly taken down, there was a rough definition, here's what we think non-commercial use means. It said it has nothing to do with the nature of the use, it's about the user. So are you a for profit corporation? Yes? There's no possible way you can make a non-commercial use. Are you an educational institution, a library, whatever, and there was this flowchart.

Stephen: Yeah.

David: And here are two very, I think, very reasonable groups of people who have the most fundamental, you couldn't have a disagreement more contradictory about the definition of non-commercial use than they did. One said "It's not about X, it's about Y," and the other said "It's not about Y, it's about X." And these are two, I think, very reasonable, intelligent groups. So I don't think we can appeal to a common sense understanding because even intelligent, reasonable groups that share people on the board come to the exact opposite conclusion about what non-commercial means.

Stephen: Well if you're going to start reducing non-commercial to these component parts, you're going to get that kind of disagreement, right? Look at the way you set it up. Right, I just finished saying there are no subparts to non-commercial, you said "Well look at this example where there are subparts, there was a problem." Well yeah. Right? Because somebody made …

David: Reasonable people are thinking in subparts. Creative commons is thinking about the licence that they offer in subparts. MIT open courseware is thinking about the licence they adopted in subparts.

Stephen: And it is …

David: Whether we want them to or not, even the people that created the licence think about it in those ways.

Stephen: Reasonable people can think about things in subparts but you can't take that reasoning to become definitive of the concept that you're attempting to work with, right? I say to you, "Your use of my stuff was commercial." You say, "Well what do you mean it was commercial?" I say, "Well look, you did this, you did this, you did this." Right? That doesn't suddenly constitute a definition of commercial. What I'm doing is drawing out the evidence which to me suggests that it was commercial.

So, you know, everything was fine, you know, if you start saying, "well look at the nature of the institution, look at the nature of the use, right?" And people would write this down, a well meaning person wrote "non-commercial company" on the Creative Commons website. Fine so long as he does that, but as soon as he say "Oh that's what we mean that's definitive of commercial," that's where the

problem comes in. And that's where the problem's always going to come in when you try to define these into subsets of necessary and sufficient conditions, because these are complex concepts.

David: So you're, you, at a deep level, you're actually happy and think it's a preferred state to have the definition be, to have non-commercial be undefined?

Stephen: Right and in fact I would go further. The more you define it, the more you have created room for abuse of it. The crooks depend on you defining it because it's the crooks that are looking for these loopholes, right?

David: But if you don't define it you don't have any guarantee that when you go to court that anything will happen. You can present an argument that you think is reasonable to you but it all depends on who's setting up there and you might …

Stephen: Well if you don't have a million dollar lawyer you don't have any guarantee but that doesn't mean having a million dollar lawyer is part of the definition of non-commercial. You know, I mean, there are no guarantees when we go to court, period.

David: But I thought licences were supposed to be about giving me confidence and giving me guarantees that I do have rights to do certain things.

Stephen: Well that's part of the con. To put it bluntly, that's part of the con, right? It's part of this, you know, it's part of the legalistic con, it's part of the commercial con, right? You know and I know in a common sense sort of way, when somebody's taking your stuff and using it commercially. We know, we see it, we can recognise it.

David: Well when I think they're using it commercially but they may have a very different definition.

Stephen: And if they are, and then if there is, well, they may have a very different definition.

David: And they may be right think', I might be Creative Commons, they might be MIT OCW, we might be two right thinking people with very different definitions and I can disapprove and they can say "No, the way we read it, this is …"

Stephen: But I would suggest that that's very much the minority of the cases and I think that those are the sorts of cases where there is a genuine disagreement then you sit down around the table or if the stakes are high enough in a formal environment like a courtroom and you get a bunch of other reasonable people, you talk about it, you think about it and then …

David: And then you get precedent and now ...

Stephen: And you've created common law because precedent guides but it does not define.

David: So let me come round to the most distasteful part of my story ...

Stephen: Oh goody.

David: … of all which is that after making all the arguments I've just made around non-commercial, Flat World Knowledge[13], the textbook company that I work with, uses the non-commercial clause on their textbooks.

Stephen: Because you're a publisher …

David: After all those arguments I just made about how undefined and whatever else it is, because that's the best mechanism available to us, the most widely recognised, the most whatever, to share this in the way we're trying to share this material with the world. There's not a better one. There's not a better one that's as well recognised because to me (and this is probably a place where we also have some unspoken disagreement) the point of the licence is to communicate very quickly to me in a basically frictionless kind of way where there's no additional exchange needed, you have our permission to do these things. You don't need to ask us, you don't need to talk to us, we've given you all these permissions right here. Run away and do all these things and the point of, instead of there being thirty open licences with Creative Commons and GFDL? and OPAL and whatever else, that the useful thing about the world standardising on a de facto set like the Creative Commons ones is that now instead of having to understand the difference between the BSD and the Apache and GPL and whatever, you know, when you see it, it's the one that everybody kind of uses, you know what it means, you know what rights you have and you can go away and be confident in exercising those rights.

So if Flat World had created some boutique, one-off special licence for our textbooks, even if the language had almost mirrored exactly by (Creative Commons) NC-SA, people would look at it and say "So what am I allowed to ...?" I mean, if they'd used Creative Commons, I would have known what I was allowed to do but now you know, you use this other thing.

So I guess I told that story at the beginning about O'Reilly to come back round, you know, to Flat World. Text book development costs a lot of money and they want to make those textbooks and they want to share, they're willing to share them with the world for free but they don't want to get undercut in the commercial market so they use this non-commercial clause because as bad as it is, it's the best thing we have available.

Stephen: So if you were somebody, say, living in Johannesburg, trying to get your little micro publishing thing off the ground, really the thing to do is to use the non-commercial licence.

David: If they're trying to get if off the ground, if they're trying to sell copies of things?

Stephen: Well yeah. Because that's how they protect their market. Because, as you say, isn't that why O'Reilly wanted it in the first place?

David: Wait, you mean if that person's producing their own textbooks then they should, they should put the non-commercial clause on it?

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[13] http://www.flatworldknowledge.com/

Stephen: Well, if that person is attempting to start a business so that they can support themselves. I'm not talking about what they *do*.

David: But what they do is important because NC only applies if what they do is they're producing content.

Stephen: Okay, so, never mind. Let's …

David: Okay.

Paul: We just have a couple of minutes before lunch, I think if I can hear Jack, an interesting question seems to be around whether the non-commercial is allowing financial transactions of any kind. And I know from my own situation that an issue has come up around, does charging tuition for using an OER resource constitute commercial use? Even in a publicly subsidised institution where it's not that they're for profit institution and I just wonder if you would perhaps wrap up this segment around some of that.

Stephen: Yeah. The short answer for me is yes.

Paul: It constitutes commercial use?

Stephen: Yeah, now that's the short answer. It's interesting because, you know, education, when we were talking about the definition of commercial, I remember when David, you wanted to set up an educational condition under Creative Commons, remember that?

David: Way back in the day, yeah.

Stephen: Yeah, and of course the question there is what constitutes educational use and the default under US law was something along the lines of use by an educational institution …

David: Or a person affiliated with one.

Stephen: Right, which meant that, okay, it's free for the people who paid tuition but the people who didn't pay tuition, therefore were not part of an educational institution couldn't use it. Which is like a nightmare scenario. It's institutionalising the existence of these educational institutions that charge tuition.

David: Which is why we abandoned that once we got to the problem.

Stephen: Originally, it would have been nice if, never mind. Because you know I never did get the email saying "You were right," but that's …

David: I'm sure you were right at some point, I will admit.

Stephen: But when we look at educational institutions, and of course the situation is very different in Canada than in the US, nonetheless, to represent these in the normal course of their business as non-commercial entities would be a misrepresentation. I know they are, quote unquote, "non profit," but I think very clearly they are operating in a commercial fashion and the evidence that they're operating in

a commercial fashion is the level of tuition that they charge the people who dare to dream of accessing these learning resources.

What would constitute a non-commercial use by these same institutions would be if when they mounted these contents on their website they did not put in a login with your university ID and password to access them. So a university can use materials non-commercially by using it in such a way that it does not restrict access only to those people who have paid tuition. As soon as you make paying tuition the condition for accessing this stuff, now you're using it commercially. You're using access to this stuff as the way you make money. So that's how I would respond to that.

David: I would say I don't know what I think and it doesn't matter what I think. No, it really doesn't because I've heard people argue that Utah State University could use things non-commercially, with a non-commercial licence, but the University of Phoenix could not because they're for profit. Now we're back to a definition around the nature of the user. I've heard, I've heard everybody say everything under the sun, and the only thing that matters is what the rights holder imagined in their mind when they applied the non-commercial clause to their material and then if they find you doing something outside of what they imagined non-commercial meant then they send you a nice email, then they send you a cease and desist or whatever happens.

It doesn't matter what I think because there is no definition and there's no way to know ahead of time whether what you're doing violates the imagined criteria in the mind of the licensor. And so this is why you hear people say things like, "I would never ever use non-commercially licensed content because I can't protect myself. I don't have spelled out for me what I'm allowed to do and what I'm not. I don't know what's been imagined in his mind when he says non-commercial. So I can't comply. Or I can't be sure that, I can try to comply in my common sense way but, I think one thing that we do know is that different people have different common senses." So there's a whole group of people who will say "I will never touch it with a ten foot pole," and if you were really, really worried about being sued that's the only stance you could take. What I think doesn't matter. It's what the person who licensed it thinks and that means there is a million different definitions.

Paul: I wonder if we could just take like fifteen minutes, hear anything from anybody who's been listening to you both about what was convincing on either this issue or some of the previous ones that they've been discussing, anything that they found particularly compelling or convincing?

[pause]

Stephen: So we've spent the entire morning and nobody has found anything convincing?

David: You're asking them to take sides which …

Stephen: Pick my side.

Paul: Maybe they to kind of reflect on what they're hearing and see whether they agree. All right, we'll take a break for lunch, we'll pick up again at one thirty.

Stephen: One thirty.

David: And we do want to come round to enclosure. We didn't get there yet.

Stephen: Yeah, absolutely because that's key.

David: That's true.

Stephen: Well, and the whole tuition thing is related to that, yeah.

(Applause)

David: I think we should applaud the endurance.

Stephen: No kidding, yeah.

David: I mean I hope you're Facebooking or reading your email or doing something.

Stephen: We did kid before the start that we were going to do the entire thing in monotone just for fun, see how long you all endured.

David: I was going to do my best professor (…) I'd like to welcome (…)

Part Three - Institutions, Accreditation and Commercialism

Segment 3 (1:30-3:00)

Recorded audio: Recorded audio:
http://www.downes.ca/files/audio/downeswiley3.mp3

- Commercial vs. Non-commercial OER Production
- Intrusion of Commercial values into personal and non-Commercial space
- Open Education and the Long-Term Role of Institutions
- Models for Open Accreditation: Can They work?

Moderator: Jeff Miller

Jeff: We're almost ready to start this next session, which means I'll quickly introduce everybody as I talk and get it out of the way. Just in case anyone is keeping track, currently on Google you can find twelve million, three hundred thousand pictures of ducks, so we're making some progress, maybe with our efforts we can get it up to twelve million four hundred thousand and if we put our collective mind at work.

Someone: Wow.

Someone else: Well, yeah, let's...

Someone: (Laughs)

Jeff: So there's one success out of this. So, all right, in this next session we're going to talk about institutions, accreditation and commercialism and perhaps picking up a little bit on what we left off with this morning, starting with commercial versus non-commercial open educational resource production and I, I assume production as opposed to licensing, the intrusion of commercial values into the personal and non-commercial space, open education and the long term role in institutions and models for open accreditation and the question, can they work? So we'll, we'll take this until three fifteen. Thank you.

Stephen: Well, yeah, me, guess who wrote most of the topics in this segment.

(Short laugh)

David: And let's not forget enclosure before we...

Stephen: Yeah, and, and we didn't, that was on the previous section wasn't it?

David: Yeah.

Stephen: Yeah. Well let, let me sketch, because I think it is an important argument, so important that it gets musical accompaniment.

(Short laugh)

Stephen: Sorry, I love working those in. Over the years it becomes a challenge, how creatively can you work in...

David: Incorporate the phone ringing.

Stephen: So, here, let me set this up, because the argument is often made that if the resource is available in an open manner, that is, you know, openly available, however we define that, that it doesn't matter that there's no commercial versions, because even though there are commercial versions of the resource, you can always access the non-commercial version. And it seems like a pretty appealing argument, right, and yeah, on the face of it we should sort of be suspicious because, you know, on the face of it, well if the very same resource is available for free why would anyone pay for it?

Okay, go ahead David.

David: Convenience.

Stephen: Right.

David: So I've paid for DVDs, Linux distributions I could have downloaded for free if I'd wanted to wait four gigabytes worth of time for it to come down, and I've also paid for printed out versions of three hundred and fifty, four hundred page books I didn't want to read all that on the screen, I wanted a printed copy of it. Because even though the free version was available...

Oh, and in the case of Flat World, the open textbook publishing company, you can't buy the commercial book without going to the free book page to buy the printed book, and still over sixty percent of the students buy a printed book because they want, presumably, the convenience of holding it in their hand and not having to read the entire free thing online. So I think convenience is one reason that people pay for stuff that is available to them for free.

Stephen: And I think you're probably right, but you know, convenience is one of these things that's very malleable, and I'm trying, trying to think carefully about how I phrase this because, because, well, I'm just trying to.

David: Yeah.

Stephen: The, the argument that I would like to offer here is, let's take the convenience thing, if you have a commercial resource and a non-commercial resource and you're the vendor of the commercial version of the resource, what you want to do is maximise sales. If convenience is the thing that maximises your sales, then what you want to do is maximise the convenience of your resource, right? Well, but convenience is a relative thing, right? Convenience is not an absolute. Your resource is convenient only with respect to the other resource. Right, if the other, if the free resource existed...

David: It's comparative.

Stephen: Yeah, it's comparative, so that means that there are two ways to make your resource more convenient. One way is to make your resource more convenient, the other way is to make access to the open resource less convenient. It turns out that the latter is a much more effective way than the former, it's cheaper and easier to make it hard to get the free resource, the free version of the resource, and there are all kinds of ways that companies can do it, all kinds of ways that they actually do do it, and it was kind of funny because I was sort of thinking, we almost have an analogy for that in our session here today, our session is free, it's really hard to get to.

(Short laugh)

Stephen: But that's just an aside. When you think about it - I alluded to this before the break – the way open educational resources became learning objects, they were appropriated by publishers and turned into publications. You know, it's funny, it's, it's a simple concept to begin with, you know, a free learning resource, but then they got attached to eighty seven or whatever entries of learning object metadata which in SCORM are all required, the SCORM being the more commercial side of things.

And then content packaging and then, you know, the, the idea that these things would be, actually be zipped, so a learning package is no longer simply visible in the browser you, you have to download it and then extract it before you can actually use it, and, and zipping it also creates a hurdle if you're creating something yourself like a, a piece of software or something that will use it, it's, particularly back, you know, ten years ago, it wasn't straight, so straightforward, you just add an unzip module, you actually had to do a whole pile of work to get your software to unzip this stuff.

And then legal restrictions, the whole fear, uncertainty, doubt, I can make - and there was some allusion to this before the break as well - I can make your open resource less convenient simply by threatening a lawsuit. I don't even have to actually threaten a law suit, all I have to do is actually suggest that a law suit is a possibility and then all of a sudden, use of the open resource invokes, you know, scenarios of lawyers and legal cases, I might as well just pay, so because this is the case, the, the commercialisation of learning resources, the, the use of commercial versions of a given resource actually pushes us toward us toward that commercial use and pushes away from the open use, makes it harder and harder to access the open version of the resource.

There's, there's all kinds of examples, you know, and the O'Reilly case is a good one, because O'Reilly knew this or the O'Reilly company knew this, right, you allow commercial use of your publications, other people will take advantage of that and actually push you aside if they're bigger, more powerful, they can

just wipe out the market place. I alluded, again, before the break, to another instance of this, where the publication of commercial Ruby textbooks makes it less likely that anyone will bother producing an open version of a Ruby textbook.

I had a bit of an example of this in my own life, I created a guide to the logical fallacies and for years, it was the only guide to the logical fallacies online. The production of a commercial guide to the logical fallacies itself would dissuade people from creating open non-commercial versions of that guide to the logical fallacies, so flooding the market.

And we see this even today in journal publications and textbooks and, you know, and it's really hard to even get off the ground with open textbooks because of the existence and the prevalence of the commercial marketplace in textbooks makes it seem so futile to do so.

There was one other example I'm trying to think of here, oh yeah, the Wikipedia example, now I'm just waiting for this to happen, there was a time, it's not the case anymore, but there was a time, anytime I would search on Google for a given Wikipedia article, I'd get one of these commercial clones of Wikipedia and basically what they would do is, they'd, they'd take Wikipedia's content, which you're allowed to do, put it online with a whole bunch of ads around it, and then use search engine optimisation to drive people to their content rather than to Wikipedia, and for a while there, until Google changed - and Google actually had to intervene and change the algorithm - but until then, that was all you could find, you could never find the actual Wikipedia article, you'd get this thing polluted with all these advertisements on it.

And when you are driving revenue from your cloned version, you can spend money on search engine optimisation, you can spend money making it harder to get the freely accessible content, and you can spend money to make it pretty much impossible (to access).

We sometimes talk about the case of open educational resources in Africa, and you've heard the argument and I've heard the argument where there are places in Africa where (there are places everywhere but the argument usually addresses Africa) internet access and indeed even computer access is very hard to come by, and so you need to print the stuff out and, and carry it in and that's how people can get access to open educational resources. Except, you know, this always involves a great cost, and therefore needs to be commercial. Otherwise it simply wouldn't be done at all. But the thing is, what happens in the sort of environment where there's a commercial industry has taken a hold is that they now have an incentive to dissuade government from investing in internet access because their market depends on there not being internet access, so the existence of a commercial market, particularly where the commercial market is the only access, actually prevents the development of an open market.

You know (and I hesitate, but not very much) to step into the US healthcare debate, but we see the same sort of thing here, where the existence, the mere existence of the private healthcares here is in itself being used to create an entire campaign against a public option. The US is just being presented with a public *option*, right? Not even like what we have here where it's public healthcare period, but a

public option and they're saying, "No, you can't do that", and the line we always hear is quote-unquote, "Unfair competition".

In Britain, the British Broadcasting Corporation, BBC, as you know, puts materials, learning materials online. There's a huge lobby from the publishers and the private broadcasters in Britain against that because BBC is offering "unfair competition" to their educational materials. So again, private industry will lobby, will take steps, will take actions in order to prevent the production and distribution of open educational resources.

So this is, all of this together is what I call the 'enclosure argument' and the idea here is that, even if open educational resources, open content, free content, exists, if you have an environment where the commercial alternative to access the same content is in place, the providers of this commercial access will attempt to enclose the open content. And they enclose in a wide variety of ways, making it essentially impossible to get to that content without paying for it.

Artworks in museums, you know, something painted in the 1200s, presumably copyright has expired but you still can't get a copy of it without paying for it, because although the artwork is public domain, no photographs are allowed in the museum, so no person has the capacity to actually go in there and get a copy of this thing without breaking the law. And you see the same sort of thing technologically with devices such as the Kindle.

 The, the other point I want to make though too is that when we have this kind of set-up with the commercial marketplace and the open content, the tendency is to squeeze out and squeeze out and squeeze out the open content. Look at the bookstore - I'm sure there's a bookstore around here somewhere in the middle of Vancouver - go to the bookstore, see how many free books you can find in the bookstore. There are none, all right, and there are none not because they don't exist, not because they wouldn't exist, but because the bookstore resolutely refuses to allow them.

And similarly, you know, and, and whether or not it is in fact the case the potential is for it to be the case with marketplaces like iTunes, with marketplaces like the Kindle, where should they achieve anything like ubiquity, it will be impossible to get free content on them. Some people have been publishing their blog on Kindle, I asked them, "Is it possible to publish your blog for free on Kindle?", apparently not, now this may or may not be the case today, who knows, things change so much, but, but that is still the direction which this travels.

This is why when I produce open content for learning, I think that I am promoting more free content for learning, by making it non-commercial, because as soon the commercial side of it comes into play, as soon as there's a commercial version of this content we, we start the clock on how long it's going to be before they close off access to all the non-commercial part of the content and we come back to the original starting point, where my position is I am thinking of freedom as it impacts the people who do not yet have access to the content.

And, you know, I don't care, frankly, how free or non-free the person with the content feels, I do care a great deal about how free or non-free the person who does not have access to the content feels,

because the the principles don't matter the, the naming doesn't matter, if as a matter of pragmatic fact you cannot access the content without having to pay, without having to go through a whole lot of contortions or whatever, then it is not open and if it is not open, you, your freedom, your capacity to become educated, to make something of yourself, to have 'the good life', is impaired, and so that, that's why I take the attitude that I do, and that in a nutshell is the enclosure argument.

David: So, quick response and then we should get onto the supposed topic of this.

Stephen: (Laughs) (...) this is a pretty core topic.

David: Yeah, yeah, no I think this important too. I guess on the one hand I'm not sure, I see how it's easier for an evil person (let's just characterise them) who wants to come in and overwhelm your open content and make sure no one can find it and that they buy their proprietary version and not the open version, it is slightly easier for them if you allow commercial uses of your work so they can just pick it up and use it against you, but if they really have a motivation for people to buy from them instead of using yours for free, they'll just create their own version or go license it from someone else or find it somewhere and compete with a copyrighted (content).

You know, the Ruby books in the store, the O'Reilly Ruby book will be marketed and it will compete against the open Ruby books, even though, you know, some, the, it had to be created from scratch, it wasn't leveraged from existing open content back against the original author or the rights holder.

When you think about things like Open Office versus Microsoft Office or the Gimp versus Photoshop, and if, if you don't have the resources to do SEO yourself, to compete with the commercial publisher who's going to invest in SEO against you, you still don't have the SEO resources even if that person's not there, so if, if you don't know how to make your stuff findable, even if you produce it under an open license if, if you're not willing or able or capable or whatever of, of using SEO on it that way, it's not going be easily findable, whether there's a commercial competitor or not, I think, there's just so much stuff out there.

If people know how to use the advance search in Google or something, you know, to look for openly licensed things, then they'll find it, but those people will find stuff even if (it's enclosed), they're going to find stuff anyway. So I understand, now, where you're coming from in terms of enclosure, but I'm just not sure. I can see how using the NC license makes it a little harder for the next guy, because now he has to produce his own instead of just reusing yours, but using the NC license doesn't prevent them from buying somebody else's content or licensing it or producing their own and doing the same thing to you anyway, it just makes it a little harder, I think, would you agree?

Stephen: Well, yeah, I mean, I have to agree because that part of it's pretty obvious.

David: Well some things I think are obvious are apparently (not?).

Stephen: Well I mean could somebody, could a commercial company, produce a resource, yeah. Right. Could a commercial company produce a resource that is kind of like yours? Well, yeah, right, and so that part of it's pretty obvious.

David: If, if the market's big enough for them to want to take your material and do something else with it, if they're going to go to all that effort, because there's enough of a market there, I think they'd also be incentivised to produce their own to compete.

Stephen: Well, yeah. But there's a big, big difference between just taking what you've done, copying it and putting it out there and creating your own, as, you know...

David: Mmm-hmm, admittedly.

Stephen: ...because you know, if we just look at, one company, one person, well yeah okay, it's not a really big challenge for the company, but if you look at the balance, one company, five hundred thousand people, now all of a sudden, the five hundred thousand people producing open resources are amassing resources that the company can't match. Right? Five hundred, you know, no company can produce that kind of content, it's like Wikipedia. What company in the world could possibly pay people to produce that much content? It's just, just beyond the scale of comprehension of any company.

They can certainly copy it, it's just some simple little computer programme, right? Read, write, read, write, real simple, you can do it in one line, so copying is really easy, recreating from scratch, a lot harder. Once we get into the sort of economics of mass production of open content, it's not about me as an individual facing off against Joe Publisher, who may or may not be evil, we can actually leave the evil part of it out, right, it's just Joe Publisher doing business as publishers do business in the twenty-first century Western economy and this, this whole marketplace manipulation is part of normal business practice. I sometimes refer to Shapero and Varian, *Information Rules*[14], they map all of this out. None of these are, are unusual tactics, illegal, they're not even underhanded, they're openly done, it's just the way you do business.

David: But, but if an open content producer isn't willing to engage with those things, why should they expect to show up above the commercial publisher.

Stephen: Typically you wouldn't expect the commercial publisher to even have a version of what the open person is doing, okay, remember we, we, we talked earlier, right at the very beginning of the session about the specificity of the resource that you can get at with open content, right.

David: Like *Why's*, mmm.

Stephen: Exactly, right, now, imagine the various people, however many people who are out there in the community, doing their own take on Ruby, right, a publisher might match one or two of them, but a publisher isn't going create a version of every single one of them. It's only if the publisher can copy and repost that they can produce versions of all of the works that are created by people in the community, so your typical way of reaching the top of the search engine is, there is no commercial resource of that type available, and the only way that that's the case is if the publisher faces the same sort of barrier that you did, the actual barrier of creating the resource. Does that make sense?

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[14] http://www.amazon.com/Information-Rules-Strategic-Network-Economy/dp/087584863X

David: It, it does make sense but I'm trying to think, so it, it actually parallels a little bit arguments we've been having about draft open textbook legislation in the US, it hasn't been introduced yet, we're still working on it, but there is a question there about which license would be the best license to use for, say the government was going to create a competitive programme and award grants people to create open textbooks and, and what, should we require a specific open license? And when we did that, the feeling was yes, okay, so which open license should we require them to use, and some people immediately said we have to do non-commercial and all this other stuff, and other people said well attribution is enough, if the people's tax money paid for it, it ought to be available to all the people on the same terms, it belongs to them and , eventually, me.

The, the part of that argument that was most interesting to me is going and looking at Rich (Bearnecks?), DSP textbook in Connexions, which is the, the core piece of, the, the original piece of content in Connexions[15].

Stephen: Right, Connexions, for people who don't know is Rice University's Connexions, spelled with an X.

David: With an X, right. So, here and Rich is a National Science Foundation career award winner and all these other, these outstanding electrical engineer, really good quality textbook on DSP, it's been in Connexions for like eight years now under the most liberal license possible, just attribution, and in that eight year period of time with this really great quality piece of content, there's never been a publisher pick it up, republish it and try to sell it anywhere and in fact of all the openly licensed textbooks that exist in the world, like, you know the Light Matter series or whatever, that have liberal open licenses that would allow a publisher to scoop them up and republish them and try to bury the open version, it hasn't happened a single time, and some of them are like Rich's book is like eight years old now.

And so in the argument about what was appropriate in the license, we started asking this question of, obviously this could happen and it would be very economical for a publisher just to scoop up that content, reformat it and, you know, start selling it and do SEO things to bury the free version, whatever.

Stephen: And it did happen with Wikipedia.

David: Well they didn't bury the, access to Wikipedia, you know, I mean people have scooped it up and tried to resell access to it.

Stephen: They, they bury it in the Google listings.

David: The, the textbook publishers we talked to said, you know, the, you know the content's done, there is a fairly significant investment in taking, getting it reformatted, it would need some artwork added, need some stuff done, but because it has that really liberal license, we couldn't get an exclusive angle on it, and so it's not even, it's not worth our time, because if it became really popular, every other publisher would just go pick up that text and do the same thing and there, there, there's no real way for us to compete with it because the license is too open on it so we just, we would never touch it, it's not

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[15] http://cnx.org/

worth investing the money in. And just as, as actual, you know, not quite a decade but actual years of lived experience of people avoiding it and reporting their avoiding it for that reason, it seems like an interesting counter-argument to the enclosure model that you're putting forth.

Stephen: I, I think maybe you're more trusting of what publishers say than I am, because...

David: Well but Rich can tell you, there, there is no commercially (talking together) version of...

Stephen: Oh I would freely believe that, that part of it I have no problem believing, there is no published version of this course, right.

David: You think it's not, it hasn't been published for a different reason than the one that's...

Stephen: ...it's not, it's not something that would be popular enough, it's not something that would have a wide enough market. Publishers...

David: Every engineering student takes DSP though, I mean as far as textbooks go, that...

Stephen: But not every engineering student takes that textbook.

David: Right.

Stephen: So.

David: But that doesn't stop each publisher...

Stephen: ...they already have their own textbooks, right, so, they don't need this particular textbook, they already have their own. I mean the, the, the suggestion that the publisher wouldn't publish it because they couldn't have exclusivity is not believable on the face of it because we know that publishers publish books have for many years been in the public domain, like the *Iliad*, right, we go to the self-same bookstore, we can find a copy of the Iliad, published, probably by Penguin, right, and...

David: What about, but, but these books cost like five bucks and it's not a textbook.

Stephen: But they still do it. All, all I have to show is that they do it. So publishers do publish books that are in the public domain, that they don't have exclusivity, so when the publishers say they won't publish books where they don't have exclusivity, it's not true.

David: Well they say they won't because there's too much investment needed to take it from where it is, to turn it into a quality textbook, whereas with the *Iliad*, you just put a cover on it and publish it. You don't have to do a lot to it, you say, hey, this is the *Iliad*, you know, and then people will buy it for five bucks.

Stephen: Our moderator's trying to get our attention.

Jeff: I'd like to take the prerogative in being the moderator, but just ask for a point of distinction, we're talking a lot about publications in terms of now the *Iliad*, books, monographs and such and could you

offer us some distinction between publications that are open educational resources, courses, learning resources and such and the kind of issues that come up in terms of what we consider publication there as an imperative, things that like, textbooks. It's a different thing than publishing a course, and that the publication of a course is perhaps similar or different than the publication of a manuscript. Can you perhaps narrow in a little bit, on that distinction?

Stephen: Well now I think that might be the answer to why we don't have a publication of this course, it's course, it's not a book, right, and, and the content on Connexions, you know, isn't easily draw-uppable, we'll pretend I didn't say that...

Jeff: Oh, I just wrote it down.

Stephen: Oh oh, it's on, it's already on Twitter, it's too late now, you know, cannot be easily draw-uppable, be turned into a book.

David: Well, actually I think there's a button you can push that will generate the whole thing as a print ready PDF so I think it's actually in the case of Connexions, I think it's very easily, in fact I think it's as easily draw-uppable, assuming the possible, in the case of Connexions but for most other places it, it's not, really.

Stephen: Then, you see now, you see, just a few minutes ago you said the publisher told you they'd have to do all kinds of things, and now we hear the things that they have to do is push a button.

David: Oh, no, no, no, no.

Stephen: Well.

David: To draw it up, to have it in PDF so you can print out is a button push, but if you look at that, I mean, it's not laid out, it's just text on the page, there's not any design work or anything put in to making it look like something that if you had a choice between that and four other commercial textbooks laid out in front of you, if all they did was print what came out of Connexions and just set it there, you'd, you'd flip through it like this and then you'd just push it aside because there's no colour, there's no this, there's no that, there's none of the coaching and guiding and design that goes into what we expect out of a quality resource, it's just been bundled up and made easy for you to print. There's a lot of design work on the, on the back end of publishing something that looks like a decent quality textbook.

Stephen: And (Pause), how will I, will I put this, see again it's the, you're having it both ways kind of thing...

David: Well I like to when I can. (Laughs)

Stephen: Yeah, it's really, really easy to print this out but it's way too far from being a textbook, you know what I mean, it's just like, the license things are difficult to respond to because they're mushy, and I know I'm the last person to accuse somebody of being mushy but...

David: Well we totally ducked his question but I think...

Stephen: Yeah.

David: ...we're starting to answer it.

Stephen: Well, yeah, I mean, I mean let, let, let's come to this whole thing of, of courses or, or even what you've just said, you know like, like take, take those sorts of statements, and analyse them, it's got to have this, it's got to have that, it's got to have colours, it's got to have layout, it's got to, what be printed in Times New Roman, whatever, if it's a course it's got to have this, it's got to have that, you know, even, you know, the, the Connexions stuff has a lot of this stuff built into the engine so that you can put in all these aspects of a course, or if you create a course on Moodle, you know, you've got your discussion, and you've got your resources...

David: Your standard set of tools.

Stephen: Yeah, and there's this presumption that the production of these resources will involve all of that, it's your, "Oh it's so expensive and hard to produce" kind of argument, you know, you know, we, "We wouldn't even bother unless there was enough of a return because it's so hard to do", you know what I mean, I'm, I'm caricaturing it, it a little bit but that's because I want to contrast that, again with my picture of a duck which as it turns out is remarkably simple to produce, there are, how many?

Jeff: Twelve million, three hundred thousand and one.

Stephen: Twelve million, three hundred thousand and one pictures of a duck available on the internet and...

David: These are the openly licensed ones.

Jeff: But, but only nine million pictures of cows, so, there's work to be done.

(Laughter)

Stephen: So, there's correspondingly more of a market for publishers to produce pictures of cows than pictures of, never mind. Now, but, so if you want to specialise in the production of pictures of ducks as a commercial enterprise, right, merely producing a picture of a duck is not going to be sufficient anymore, right, it has to be hard to do, it must be a mallard, it must be September, the twelfth, from, you know what I mean, it's like you get more, and anything that isn't one of those is a lower quality duck. As well, the duck must be metatagged and it must appear in the registry of duck photographs, for which you must pay and, I could go on, but, but you sort of get the picture that I'm drawing here? The, this presumption, this, this argument that you need to do this, you need to do this, you need to do all of those things and the phrasing was that, you know, I'm paraphrasing you, that people would associate with a good textbook, a lot of that is invention, a lot of that is expectations that have been created for us.

David: That, that's absolutely true, but when the state review board sits down to decide which textbooks they're going to allow to be adopted statewide, if your thing is so far out in left field that it doesn't even look like what we're considering, then the chance that you're going to have a big impact on a large group of people is very small. And that's okay if you don't want to have a large impact on that particular group of people but if you want high school students to save, if you want schools to save money, because they adopted this open resource instead of paying for textbooks, then you have to do what needs to be done so that that open resource feels acceptable to the people that make that decision.

Stephen: Well, let me see if I can't find it here...

David: And you don't have to, but if you don't make that effort you just can't complain when they don't adopt your open content.

Stephen: Let me see here, I'm just looking for this because this came up, okay, it's hard to read and talk at the same time but, there was the (Long pause)...

David: We would talk while you're searching but I would probably change the subject (...).

Stephen: Yeah, sorry, well this is one of the things, this is one of the reasons why we're taking the time to do this.

David: Right. No, what I would say is that if you go into Google and use their advanced search to find only Creative Commons licensed photos of ducks, you'll see that the first two, and three of the first ten are photographs of Howard the Duck...

Stephen: (Laughs)

David: ...comic book covers which are clearly copyrighted and yet these photos have been posted with the Creative Commons license on them which is slightly problematic. Anyway.

Stephen: With that aside, yeah.

David: Just an aside as you search...

Stephen: It's, it's all the data that they're not allowing commercial use, I mean you know. That's the thing, you get into commercial use you get into all kinds of liabilities and you know. This is May sixth[16] actually; this is the thing that actually prompted me to say some of this stuff...

David: Are you going to read me back to me now?

Stephen: No, I'm going to read me back to you, you got it worse.

David: Okay, good. (Laughs)

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[16] http://www.downes.ca/post/48860

Stephen: Ah, okay, here, I'll just read it, it's faster, "David Wiley proposes to revamp legislation that would produce open textbooks," now I'm quoting, "The legislation would create competitive funding opportunities..." - right off the bat it's a bit of a red flag for me, but that's a completely different issue - "the legislation would create competitive funding opportunities...", because there's this presumption that competition actually produces better results but... sorry Dave.

David: (Laughs)

Stephen: "...would create competitive funding opportunities to create open textbooks in any content area. These would be multi-stage grants (like the SBIR program), with additional funding tied to the successful completion of initial project goals."

Okay, now this is me again, people would file, I'm paraphrasing what you said, people would file proposals answering key questions such as the nature of the book, the cost of existing books, management, marketing plans, and a proposed licensing scheme, disbursement would be incremental based on meeting project goals and, quote "A content-complete version of the open textbook must go online with all text, images, and other features of the printed version available to the public for free, unrestricted, unfettered access," unquote, okay, now me again, "I am mostly in agreement with Wiley's proposal (I oppose the (quote) 'letter of support from a reputable publisher' as this would torpedo the whole project), and would support a similar mechanism here in Canada."

Think about what you've just done with that. The publishers are supposed to write these letters of support for these open resources, right? My first question: what incentive in the world would a publisher have for doing such a thing? And the answer of course is none, but even more to the point, what the publisher will do is demand the production of resource intensive, very specific, well, you know, like, you know nature of the book, cost of existing books, marketing plans, management, all of those elements, right, the, the publisher basically, in a case where you didn't really need anything too fancy, the publisher would require this Cadillac version of a textbook and that is what would count as "quality" and only that would be admissible for these state wide things, the state wide deployment and of course those are requirements.

It's what I call the high bar requirement, right? You set the bar so high that no genuine producer of free and open content could ever meet such a requirement, but it's not a genuine requirement. It's genuine in the sense that the state actually asks for it, but the state's asking for it on the advice of publishers so the publisher is offering the sort of advice that most promotes its own business, so...

David: So shall I?

Stephen: Yeah, okay.

David: So, Brandon, how much money has NSBL spent the last fifteen years?

Brandon: About two hundred million dollars.

Stephen: How much?

David: Two hundred million.

Stephen: Two hundred million.

Brandon: Yeah.

David: US, yeah...

Brandon: Which varies over time.

Stephen: Yeah.

David: Yeah, yeah. So you look at Hewlett?, and (Andey?) how much has Hewlett invested (on your?)? Sixty eight or something?

Andy: Yeah.

David: Anyway, so, from my perspective, we have, so this is just one NSF programme that we're, results largely in the production of open educational resources, yeah if Hewlett funding going into things like Connexions and the other projects, this is, be very, very conservative, take those two numbers, round off, and say three hundred million dollars of public or philanthropic money spent to produce content that should ostensibly be open.

Stephen: And yet...

David: If you come back, oh it, it's, it's open, what it's not doing is if you look at elementary schools, middle schools, public schools, universities, it's not displacing commercial content.

Stephen: Of course not.

David: And therefore it's not saving anyone any money. So what we try, and I'm still not - and so this is the legislation I was talking about before - I'm still not sure what it's going to look like at the end, when it does get introduced, what we wanted to say was, we only want to give you funding - this if I was king of the world, this is the way the grant part would work - you go out and you look and see how many students buy a textbook like this in the course of the year, what's the average new cost, what's the average used cost, what do students in the US in this case, spend on this textbook every year, that's the opportunity, that's the money saving opportunity that we have with an open textbook that could displace that.

So students are blowing five hundred million a year on Algebra One, or calculus textbooks or something. That compared to a little graduate level text on analysis of covariants, where people spend two hundred and fifty thousand dollars a year on this textbook, so that's one metric of which one we would want to invest in. How much money could we possibly save people, if we do this right, because this would be government money coming through.

Stephen: Right. And this presumes an educational system otherwise unaltered.

David: Right, this is what can we hack, how can we hack the existing system now, as opposed to trying to do catastrophic reform of the system. This is one place where we differ, you're a catastrophic reform guy, I'm a very small increment of what can we can hack into the existing system...

Stephen: No, you're a, you're a catastrophic status quo guy.

(Laughter)

David: One of the things we wanted to do, or that I would do, if I was king of the world I should say, is that as you produce this open content, you'd have to partner with a commercial publisher that knows how to market, knows how to distribute, knows how to set goals on forecast sales, and can come back with a reasonable estimate to say if this book turns out to be any kind of quality at all, we can a hundred thousand units of it in the first year, and if it's free online to everybody, for, well a hundred thousand units means, a hundred thousand student's worth of faculty who adopt the textbook as the official textbook for their class because if the faculty member doesn't adopt it, you haven't saved anybody any money.

Stephen: Now let's, let's analyse this.

David: Now, now let me finish and then you can analyse the whole thing.

Stephen: I'll forget.

David: All right, go ahead.

Stephen: Well because, I'll, I'll say it very briefly and then, then you can continue, we were at the very beginning of our talk, talking about very specific, very niche oriented materials, and that was the strength of open educational resources, but now we're into marketing plans and mass production and replacing entire states worth of textbooks with this one thing, two very different things.

David: Yeah, and I would consider them different because one is the ideal and one is what you can actually get done tomorrow.

Stephen: Except the getting it done, how much money has been spent and they're still not replacing the textbook, so again this is this efficiency, you're going really fast to nowhere.

David: Well it hasn't replaced any textbooks because all the funding that we've done in the past has been to three faculty members who know their content and can write a good, a great, textbook but don't know how to market, don't know how to get it in front of other faculty, other universities, they lack all of the business experience, business expertise, business process to get that textbook in front of another faculty member, so that he or she can adopt it, so that it displaces the textbook that professor X is currently using.

So we've wasted hundreds of millions of dollars, we have a web full of great content that hasn't saved anybody any money, in terms of formal ed, and here's an opportunity if you took open content and you brought the publisher in as a partner to go out and say, here it is a freely available online and it's

inexpensive in print, whatever, thirty bucks instead of a hundred and fifty or something, and you say in the first year.

So one of the things we've been calculating with Flat World Knowledge is how much do we think we're going to save people this coming fall, taking the textbooks that we've done, we know how many of them are going to buy a printed version, how many we're just going to use online, we know what books they were buying, how much they cost and we're guessing that we're going to save students in the US between two and two and a half million dollars, just this fall by the faculty adopting an open textbook as opposed to adopting the Pearson that they used to adopt.

And so that metric of how much money can we actually save people going to school who are paying outrageous tuitions and whatever else, that metric seems to me like one we should care about, and if we continue to do it the way we've done it for the last ten years, just producing content and throwing it on websites and praying that somebody comes and finds it and adopts it, when that commercial publisher's putting review copies of four different books on their desk, it's not going to displace anything and as far as the impact on formal education, it's going to continue to be zero, so, this proposal was one way of saying, "how can we actually get open content to displace expensive textbooks and have open content actually save students money?" that's, that's the goal of that proposal.

(Hand Up)

Stephen: Yeah, go ahead.

Questioner: Is that to set an example or is that to move that across as for before because one of the great things about what that does is something people can understand, and then school districts can actually point to you, so if you've got an agent of change in a school district somewhere in Michigan who goes, "Look at the dollar figure that we've got here", you can actually present that dollar figure to the administration and then start doing other things. The goals grow if you're doing their further paths where you are, like, if you have one primary goal process you're doing, is it more about setting an example of the possible or is it forwarding the actual project that you have there?

David: Well I, I think it's only a meaningful, I think it's only a meaningful example of what's possible if you really make that project succeed. So, if the, if the first goal isn't to make the specific project succeed then there is no downstream benefits.

Questioner: I'm sorry, I mean getting the numbers up to the billions where it would need to be to make a massive, wide change, because that's what we're talking about here.

David: Well it, I can't choose between these two choices (...).

(Laughter)

Questioner: You don't have to.

David: I mean it, so I don't think one project can scale to solve all those problems. I mean the US now, is it five hundred million, somebody help, in the new Obama education plan, over the next...

Questioner: Yeah.

David: ...ten years, five hundred million, over the next ten years for open courses, open material, whatever, for high school and community colleges.

Stephen: Happily that's still a bit undefined.

David: Yeah, I mean...

Stephen: I say 'happily' because the initial presumption was, oh it'll be like courseware, but hopefully not.

David: Or like textbooks. It's hard to say where it's going, but at some point though they're going to have to disperse the money, and before that happens it will have to be defined and there'll have to be rules for who gets it...

Stephen: Because every time you involve money that's what happens.

David: Right. So that answer to your questions: both. It needs to succeed, it needs to reach a decent number to set an example for others to get involved in doing it because it's going to take a lot of people working on that model to reach the scale you want, but, and maybe, you know I'm just too easily pleased or I'm too conservative but, but I think, kind of first it's important for Flat World to save two and a half million bucks...

Questioner: That's a replicable model.

David: ...is a, well it's a replicable model, but I also think that's a decent first semester for a company. Oh yeah, if you wanted to be able to say, not, that's not the bottom line of how much money they (get?), it's how much money they save, it's a double bottom line that, you know, that they call it, what's the social good that we did, in addition to making enough money to keep the business going, you know, so...

Stephen: But... there's a certain point at which that's more marketing than it is real.

David: More...

Stephen: Because, I mean, I put (saw starts in the background) my thing on 'Stephen's Guide to Logical Fallacies'[17], in 1995 and since then, I don't know, demonstrably ten thousand people have used that instead of a textbook, therefore my resource has saved, you know, however many thousands or millions or whatever of dollars.

David: Don't you wish you had a better handle, don't you wish you actually knew, or had a better estimate of?

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[17] http://www.fallacies.ca/

Stephen: No because it's just made up...

David: How, how, how is it made up?

Stephen: ...made up, it's made up in the same way that, you know, the, the sales figures that CD companies say they've lost to pirates is made up. It's money they think that they would have made had these things otherwise not been shared. It's money that was not actually spent but through some calculation they say it would have been, and it's the 'would have' been part that makes it made up. You see? Alternative scenario, right? Flat World doing whatever it does, saves two and a half million dollars over the course of a year, right? Is that the only way to replace that textbook content? Well probably not, there are maybe other ways that save even more, and maybe had one of those other ways come into place instead of Flat World, that's what *actually* would have been spent that year, right? And so, if we apply our hypothetical that way, the use of Flat World actually cost money.

David: Right, but that's a hypothetical and this is something that's actually happening.

Stephen: But not next year.

David: This fall.

Stephen: This fall, it's in the future, it hasn't happened yet.

David: The faculty members have already adopted the textbooks, I mean that, that all happened in March and April.

Stephen: Yeah, but it's a future event, it could have come out differently.

Jeff: There's another question...

(Laughter)

Questioner: ...role of institutions and models for accreditation, can they work, so perhaps after your question you can go onto those last two topics?

Stephen: I probably don't want to throw off accreditation until later but...

Questioner: Yeah, sure.

Stephen: ...I, I think there, there is an important point here and that I'm really struggling to bring out, but I expect success at some point (Short laugh) but...

David: I really am trying to understand.

Stephen: Yeah, no, that's fair enough.

Questioner: I do want to really point it out, commercial entities, because we're keen on what you're doing, because for our project, for my university's project that was something, that was a risk and... I guess what I'm really curious about is for courses like a specialist art and design, media and performance

institution, so we don't really have any use of traditional text books kind of in the way that, that you would discuss. Would you use a marker? I'm just wondering how to, in a different context, what you might think concerns for other media is? I mean for us, what we, what we do is create full units of courses, not an entire course but full units and make them freely available, so it's the lectures, it's the videos, it's a basis for students to put up their work and to collaborate with each other and....

David: And, and what's the risk that you're perceiving? I'm just wondering if there's a parallel risk to, again, possibly...

Stephen: Yeah, let me. I'm not going say rephrase becauseI'm not rephrasing what you said, but I'm interpreting it in a way. Let's take the course that George and I did last fall[18], and what George and I did last fall is instead of doing it the normal course kind of way we opened it up and said, "Anybody who wants to can participate and share all the content and all the resources", very OER that sort of model, but also the, the quote-unquote 'instruction', and what happened, and this is really important, is that the nature of the instruction changes and so also (as an aside) the nature of the assessment changes, but key, the nature of the instruction changes, because it's no longer a case of an instructor trying to lead a cohort through a body of materials. It's more George and I sort of, I don't even want to use the word 'orchestrating' because that's too organised a word, but we almost became like two among this mass of people working with all of these resources and working with all of this conversation and there, there isn't even a centre to the course, it's, it's distributed across different applications, different platforms, different languages (because we have a strong Spanish language component to the course) and so what happened here is, the very model of your typical university course breaks down, now this is the sort of thing that works best and possibly only *without* the course textbook, *without* the standard curriculum, without the trappings of the model that is being preserved through the two and a half million dollar savings, right.

David: So you and George didn't set out a set of readings and a suggested order in which people had to read those readings?

Stephen: We set out, well I want to be careful here because in a sense we did, we set out some readings, we certainly didn't say that people should read the readings, we suggested in fact that people should pick and choose from among the materials that we suggested, or that other people suggested, there was no sense of a 'body of course content' that they were expected to master. In fact we said very specifically, I said, and I think George echoed (maybe not as directly), select the materials that are relevant to you, to your own circumstance. We expect people to each have read different things, because there's so much stuff, right? And what happens is, people read different things and then when they interact with each other, that's where the new knowledge is created, where the learning happens because each person comes into the conversation with a different perspective, a different point of view, so there are readings, there is an order, but the readings are entirely optional and the order is mostly optional as well, does that make sense? So, the, the idea...

David: Sounds a lot like (Long?) actually, there's a lot of structure but everything's optional.

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[18] http://ltc.umanitoba.ca/connectivism/

Stephen: Like Long?

David: Lots of structure, everything optional.

Stephen: Yeah, except the structure existed only because we had to put it on a webpage. I mean, the structure is an accidental feature of the presentation and not an essential feature of what we were trying to create. What we were trying to create is this network, and the process, all we were doing, was attempting to connect, and mostly we were attempting to connect not by instructing people on how to connect but by doing it ourselves in an environment where other people could take part and share.

David: So modelling it rather than talking about it.

Stephen: That's right. Okay, now, you may think that's a good way of learning, you may not think it's a good way of learning, there may be other better ways of learning that come along, that's fine, the point is, is that things that act to preserve the existing structure of learning make things like the Connectivist course less likely and...

David: D'...

Stephen: ...that, that's really badly argued. (Short laugh) I don't want to say it like that because that's not what I mean because then I'm in the position of having to defend this little causal argument, right? I don't want to defend this little causal argument because it's not a good causal argument, but, but I do want to suggest that, when, when you do things that help entrench the existing model of learning with existing courses and existing resources like textbooks, like courses, you know, all these course packages, and say, this is the bar we must set for learning, and this is the thing that people must do in order to qualify for funding or, or, or even qualify for being allowed to do it (which is really what it is, because, you know, you pull off what George and I did with very little funding) you know you lock yourselves into this model which really is a very expensive way of doing it, this model of having a class, of marching through a textbook, of having a teacher, of having assignments that they mark, is a very expensive way, that model is expensive, and saving two and a half million dollars off of a five hundred million dollar model doesn't really cut it.

David: Oh I agree, that's...

Stephen: You know...

David: ...I mean that's the first semester out of the chute with only six textbooks and...

Stephen: Yeah, but nonetheless, preserving that model isn't going to solve the problem that I'm trying to address, and the problem that I'm trying to address is access to education for all those people who don't have access to it yet, not saving money for, for large commercial institutions that are offering it to people who are able to pay tuition.

David: Oh the institutions don't save money, the, the students do.

Stephen: But they still, you know, they only save money if they're in this programme and paying tuition, so, you know, you have to be rich enough to save that kind of money.

David: You know I wonder if - oh and, sorry, I acknowledge and understand the, the hypothetical enclosure risks that Stephen was talking about, I haven't seen them play out in eight or so years of working with licensed stuff, I wouldn't worry about it a lot but Stephen will worry about it a lot so you get no conclusive answer from the two of us.

Stephen: But you're working from within the enclosure, of course you're not going to see it.

David: Right, that's what I was just about to say, in some ways it's like, and, and making this argument doesn't bode well for me, but if you think about the reformation of the church a couple of centuries ago, you had people inside the church working to reform it and then you had people that just punched out and said, "Forget it, we're just going to go do our own thing", and you eventually, you know, something, now there is, I don't know if you'd call it a market, maybe, maybe ecology is a better word, but there's some people that are members of this church and some that are with that church, whatever.

But something that I think this dialogue is helping me understand is I, I think I'm somewhere between an informal, internal reformer and hacker of the existing system we have. And you're more like the Presbyterians or the Lutherans or the Methodists, "I'm just going punch out and go start something better," kind of approach, so is that a fair characterisation?

Stephen: I think it's a fair characterisation except that I don't want to just set up another church, you know. I mean I think that's really important, so, I mean that's part of the reason this, of the reformation argument is, you know, all we got out of it was more churches and...

Jeff: You need a German prince to protect you.

Stephen: And you need a German prince to protect you, you know, and that, that's not really, you know...

It's more like reading, there was a time when only people in the church were able to read and, and maybe a few selected few nobles provided they had allegiance, and reading was the secret gateway to the knowledge of the others and all of that, and if you're an average person, you simply didn't read and probably the big change that Luther brought to the church was, was not Lutheranism, but the movement of the language of the church from Latin to German, and eventually to English as well, the movement and, and the capacity for people to be able to read the Gospels for themselves. It was always the case that they depended on the priests to read the Gospels, right? And you had to have this intercession.

David: Well and if you think twenty nine thousand dollars for one ninety nine cent song is a harsh penalty...

Stephen: Yeah, yeah. (Laughs)

David: Okay, this is a topic I know a little bit about. So there were times when just possessing an English copy of the Scriptures...

Stephen: Absolutely.

David: ...would not only cost you your life, life, but you'd always forfeit land, goods and life from your heirs, so you...

Stephen: Yeah, you lose everything.

David: ...have the English Scriptures, you die, your family dies, we repo the farm, all the cattle, everything. I mean you think the DMCA is harsh.

(Laughter)

Stephen: So...

David: It's got nothing on the early church.

Stephen: So you can see why working for with reform within the church on the one hand people would see the advantages of that, but on the other hand, there was going to be a certain limit to what you could accomplish, you know, and even today, I mean there, it's still Latin, well no not really anymore is it, but, but was up until not too long ago...

David: It depends on where you attend.

Stephen: Yeah, that's right,. And I think learning is that way now. Compare learning now to literacy in the past. Now you need to go to the church, aka the university, and have your learning mediated for you, and whether that mediation takes the form of a course package or a textbook or a professor's lecture, nonetheless the model still is that, and there really isn't very much tinkering you can do with the mediation, maybe you can make the mediation a little bit more efficient, maybe you can make the mediation a little more responsive to the needs of the peasants, but it's still mediation, and what we need is to find a way of moving beyond that because mediation is a very expensive way of enabling a population to learn and it has the danger of being used in the same way that the Pope was used, not simply to, to spread truth but also to spread politics and propaganda and the rest. It has the potential of being abused.

David: Sure, everything has the potential of being abused.

Stephen: You know, no, not so much, but...

David: Isn't, isn't online content just an asynchronist mediation?

Stephen: Well now...

David: Because somebody else is going to produce content and I'm going to sit down and I'm going to use that content, it's not free of politics and bias, amongst other things suddenly just because it's asynchronous.

Stephen: But now we are in, now we are into a much more interesting discussion, right? Because if an OER is something that was paid for through hundreds of millions of dollars of government or foundation money and was created by some university professor in his office according to some set of standards, then yes, it's exactly that, it's a unit of mediation, if on the other hand an OER is a resource created by and for members of a community...

David: It doesn't mediate the learning process?

Stephen: Not in the same way. I mean...

David: How, how's that?

Stephen: Not, well I mean not remotely, I mean it's like you're saying, to just draw a parallel of your argument, I'm complaining that the Gospels have been mediated because they're coming to me through the lectures of priests or things like that, and I'm saying, really we should be able to read it for ourselves, in our own language and you're saying, "Well isn't language kind of like a mediation too?", and well, yeah, it is...

David: No I'm saying it's...

Stephen: ...but it's an order of magnitude different.

David: I'm saying that the Scriptures are the mediation and whether you talk to a priest about it or whether you meet with bunch of other people like you in Bible study and talk about it, that, that content is mediation, it was written by somebody at some point, you sit down, you're studying it, you're either hearing it interpreted by an expert or you're talking with a group of your peers about it, but the focus of that whole thing is the piece of content, and whether it's produced by a professor or by Jo-Bob in wherever, there's this piece of content now sitting on my screen that I'm looking at and I'm having a discussion with other people about that content's a mediating...

Stephen: But it's a very different thing for you and your community to be sitting there messing around with the language of the Scripture itself, and for you to be sitting there, taking some guy's word for it that this is what the Scripture says, two very different things, and the same is true for open educational resources, if members of the community are creating these, using these, sharing these, doing whatever with these, that's very different, to have direct hands on access to this knowledge, to this domain, very different than depending on some trusted expert, professor or whatever to be saying, "This is what knowledge in that domain is".

David: But is the only difference there whether you take the person's word for it or not? Or is that the primary difference?

Stephen: If, if the person is trustworthy, right? Well, good question. I was going say, if the person is trustworthy then really it boils down to the same thing. But I don't think so, because, I mean, I think, the provenance of truth matters as much as the content, you know, being able to see for yourself is worth more than being told by a trusted person that he saw such and such...

David: Right, but, but (talking together) ...

Stephen: You may believe that P in both cases but there's something different. Seeing it for yourself, even if you come to the same belief, has more of a meaning in your life than coming to that belief through the mediation of some other person.

David: But if you've come to that experience or you've come to that conclusion or you've drawn that meaning from a piece of content, then whether that content was created by a professional or by a peer, that piece of content has still has still played that critical role in your making of that meaning.

Stephen: Yeah, but it's the difference between one voice and a thousand voices, you know, like the, the professor will use words and your friends will use words and those words are in both cases mediations of whatever is out there, but your professor has one point of view and your friends have a thousand points of view and even if the two mechanisms result in the same belief, the mechanism that resulted from a thousand eyes, a thousand voices is going to be more reliable, going to mean more than the mechanism that relies on set of eyes and one voice and, and it needs more, not simply because you think it's more likely to be true, whatever the resulting fact is, right, you, you can believe that P just as strongly in both cases, but in the case of the community, you are a part of the production of the knowledge, that P, and in the case of the professor, you are not a part of the production of that knowledge, and consequently, your relation to that knowledge is very different, this knowledge, where you are part of the production, also serves to empower you, this knowledge makes you a passive recipient.

David: Now there are some assumptions there about the kind of interactions you have with...

Stephen: Absolutely. There are assumptions. But we're being wrapped up.

Jeff: It's time we wrapped up, we did not get to accreditation and trans-substantiation but...

(Laughter)

Jeff: We need to pick up at three fifteen so, take a break, get some air and we'll continue this wonderful conversation, thank you, thanks.

David: Well I didn't think I was near that ….

Stephen: There are lots of things we didn't...

(Laughter)

Part Four - What's Next? Why Bother?

Segment 4 (3:15-4:45)

Recorded audio: http://www.downes.ca/files/audio/downeswiley4.mp3

- Rates of OER Reuse: Is All the Trouble Worth It?
- Is it Ever OK not to be Open?
- What Needs to Happen Next for/to/with Open Education?

Moderator: Dave Cormier

Dave Cormier: Welcome to session number four. I'm the moderator for session number four, my name is Dave Cormier. I normally get chosen for these situations when somebody wants someone to aggravate someone else. I am universally known as that kind of aggravating influence. But I'm going to try, given agreement from the fellows over here, that ask for thirty minutes of the next hour and a bit, to try and aggravate them, and ask a special kind of question.

I think it was on Saturday I got the pieces for this part and it was "What about OER reuse?" And I think that's mostly a mathematical question, we kind of pretty much know the answer to that question. "Where does it go from here and why does it matter?" I thought it might be interesting to have a couple of five minute goes at three successive questions. The first one is "Look into the future, and imagine the most dystopic situation possible for OER, what are you afraid of happening, if this thing goes the wrong way?"

When I think about that, I sort of contextualise that question by "What's going on in the UK right now to my mind?" Which is the British government has started to talk about putting out OER in a sense of raising England's status. And there's a connection there that I find potentially distracting. And certainly there's a controlling influence there that may be one of those potential dystopic futures.

The second question is "What do you expect to happen?" and the third one is "Imagine the wonderful future, with the perfect thing that will never really happen, but you'd really like to have happen, would actually happen." David did touch on that a little tiny bit, but I wonder if we could explore that question a little bit further. Because there are a couple of other topics on the table, I'm not asking for the entire hour, fifteen minutes, but rather for twenty, twenty-two, twenty-three minutes. Three, four five minute pieces from each of you. And then you guys can get back and wrap stuff up at the end. How does that sound? That sound like fun?

David: Sounds like you're dictating the terms of our conversation. (smiling)

Dave: I'm just suggesting a possible alternative, in a friendly open way.

David: No, sounds good.

David: Okay. Dystopic first.

Stephen: So go ahead.

David: I'm trying to decide what are the awful, awful future scenarios. So one awful future scenario would be… I think it would be an awful future scenario if OER, if some version of OER, say this OER that Obama is funding now in the US, became so popular that it became the de facto kind of standards. There's only one algebra course that anyone really ever took. And even though it was open, you didn't mess with it because it's the one that was designed by the experts. OER somehow turned into some kind of a national curriculum. That's a disaster future for us I think.

I suppose it's, I used the word ecology earlier in the day, in the same way that I think that we have Linux and OSX and Windows in an ecology of completely open, completely closed, some closed stuff built on some other stuff that was open, kind of spread across the continuum there. I see OER in commercial content, in a minute I'm going to say I think really they just kind of balance out, and some people adopt the open and some adopt the closed and whatever.

But I suppose there is some kind of scenario equivalent to the non-native predator being introduced, that comes in and destroys everything in the natural environment. Where OER can somehow put all of the commercial publishing, the commercial publishers out of business. Which would then have an impact on other things, which would then collapse down and would, you know... Stephen has a job and I have a job, but we're paid to do one thing, but we get to produce a lot of OER on the side, and just call it part of what we do and we get our rent paid anyway. I suppose there's some catastrophic chain reaction that happens as OER cannibalises certain things, that make it so that even Stephen and I don't have jobs any more. And we're left without real commercial alternatives, and without a lot of people that can actually create OER, and the whole thing just completely collapses in on itself into a black hole somehow. Sort of similar to what may or may not be happening with newspapers right now, so people are siphoning off newspaper content or doing whatever you want to call it. If the newspapers actually all went out of business, would the bloggers be able to really generate enough news of their own? Instead of just pointing to others? If that collapsed, and then this became unstable, and then it collapsed as well, then what are you left, starting over from scratch again. I can imagine… you're asking for worst case scenario. I can imagine one like that in the world of educational content.

Dave: That's suitably dystopic. Thank you. I know this will be a stretch for you Steven, can you imagine dystopic?

David: And I've taken the easy ones so far.

Stephen: Yeah, he's taken the easy ones. I mean, 'one OER for all' is probably as bad 'as one ring for all,'[19] you know. So that obviously is a pretty bad future. There are variations on that badness, if you can believe it. Because you know, just like the dictatorship, where you have one ruler for all right, you can have benign dictatorships and you can have truly horrible dictatorships, and then every shade in between. And so we can imagine a version of one OER for all where the purposes of that OER are genuinely evil. You know, where it's not simply one OER for all, but one OER in a 1984-ish sense, where the purpose of education becomes not learning and edification, and development of your own personal good, but rather subservience to the state, or some corporate representative thereof. You know, the sacrifice of your own interest for the goods of the many, as defined as the good of the one person who's in charge of everything, you know what I mean. So I mean, and this is why we quite rightly are afraid of one OER for all. It's not, I mean it's not a number thing, it's not that oneness is inherently bad; it's just that when there's only one, when it goes bad, it really goes bad, you know. And there's no way out, and it can go south in a hurry. So I think there's that.

Dave: Is going south a reference to the US?

Stephen: No, going south… But it could be, it could be. Although we like to think now that the United States has turned and is going north. Although that's not necessarily a good thing either, now, never mind.

So let me focus on the other dystopian future, because it's the one where all the publishers are put out of business. And it's the one where, like with newspapers, they're cannibalised by the blogs. And that was represented as a bad thing. And you know, the world where these publishers and these newspapers are the ones who actually prevail, and their view of the world becomes current, seems to me to be the bad thing.

Over time, and there are some science fiction books that deal with this, and for the life of me I can't remember a title – I've been trying - here more and more and more of our common ordinary everyday lives become commercialised. So much so that the very words that we use in our conversation are in fact owned by consortia. And so for me to be speaking like this, I would actually have a pocket monitor that records every word that I say, and deducts an amount out of my bank account to pay to the owner of that word, for the use of that word.

And not just words. Words represent simply the first element of this system of property ownership. But also sequences of words. So if I used the phrase "sequences of words", I have to pay Microsoft for the use of the word "sequences" because they obviously own sequences. "Of", that goes to Coca Cola. And "words" goes to Webster's, right. But then I have to pay in addition for the phrase "sequences of words" I have to pay Apple for that. That would be worse.

And it's worse because what it means is, you know, the very capacity for thought that I may have is pre-owned. You know, I cannot have anything that is not already owned by someone else. And it's not simply that I have to pay them money. It's that because they own these words, not only can they charge

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[19] http://en.wikipedia.org/wiki/One_Ring

me money for them, but they can regulate the appropriate use of those words. So like "sequence of words", that phrase, there would be attached to my use of that phrase "sequence of words", a click-through licence if you will, that allows me to use "sequence of words" only in contexts where I am referencing or supporting the commercial use of the phrase "sequences of words", and not in any way criticising or suggesting some alternative to the ownership of that phrase "sequences of words".

And you might think that's pretty silly, but that's the Apple App store now. So it's not that farfetched. I think that's worse even than one OER for all. If we had one OER for all, but it were truly and genuinely shareable and we could do whatever we wanted with it, that wouldn't be as bad as this world in which everything is owned. And then finally, what would be really bad would be to go back to that world in which our understanding of the world is created for us strictly and solely by publishers and newspapers. It's not that far, it's not that long ago that that was our world. And I'm old enough to remember it.

David: I'm not.

Stephen: No. And I was actually going to say sometime during the session, you know we were going to say we're being very civil to each other, but that's because I'm older than you.

David: Respect for elders.

Stephen: No. You're going to outlive me, which means I have to be nice to you, or my reputation will be trashed after I'm gone.

David: Put downs. I remember I can use that one.

Stephen: But you know, I mean, the Gulf of Tonkin incident or you know, all of these realities that were created for us and shaped for us by media, and then presented to us as truth, or at the very least as objective representations of the state of affairs of the world. Which, as we know now, turned out to be, to a large degree, false. Even in this decade, the representation of things like weapons of mass destruction in Iraq, right? I mean, that was what we were being told, period, end of story. If you didn't believe that, you were a communist or an Al Qaeda sympathiser or something like that. Certainly no one to be trusted, much less allowed to publish. So that would be worse, if our knowledge of the world came from these sources the way it used to? Can you imagine this century being like the last? Like we really, really don't want that.

David: At the same time if the, if you just turn the tables and you replace… if in the name of diversity of perspective and diversity of viewpoint, we stomped out newspapers or magazines or television or whatever, I would think that even though you can argue rather easily that the perspectives they represent are biased in one direction, or biased in another.

Stephen: Or both.

David: Whatever. Both. I do think that they're valuable contributions to the conversation, as long as you are participating in a conversation just not watching Fox news all night long. So if OER, if you end up in a world where only just like one odd or two odd guys were just talking about stuff and you didn't have

bigger people doing more in-depth things, regardless of what bias they brought to it, I think that would be a worse world than we have right now.

Dave: Jon Stewart is very well served by mass media.

David: Jon Stewart's going to be president in ten years.

Dave: I thought he was already.

David: Official.

Stephen: After he loses the show and he's looking for new work. It's going to be the best he can find.

Dave: I want to get you guys back on track eventually to the end, wrap up the other conversation. So maybe it's easier if we ask the third question next, about the speculative awesome future. And then go back to expectations of the future and allow you to wrap up the couple of questions that were lagging from earlier.

Stephen: Can I say just one thing?

Dave: Sure.

Stephen: Thank you. I think this is a really important link to draw just at this point in time. The dystopian future that I depicted where companies own all of our words. I've said on a number of occasions, and other people have made the same point as well, that our language of today is a multimedia language, that people communicate today not only in words any more, but in these multimedia artefacts. These multimedia artefacts, pictures of ducks, are the words that people use to communicate with each other. So, and it is the ownership of these words, these multimedia words, that we are debating at this point. And so that's, the dystopian future might seem really farfetched, that you have to pay for every use of your word, but if the word is an image, now that just is the sort of scheme that, you know, Associated Press for example right now is hatching. Where you know, you use their phrases, you use their pictures, you're going to be monitored and charged.

David: That's the danger of the semantic web.

Stephen: It is, seriously. Everything is part of the great conversation, and every part of the great conversation is owned by someone. And that someone is not you. Sorry, I just, I needed to throw that in, because we need to understand words in a wider context. Because otherwise the argument seems really absurd – who owns words? But that's what did work in the past, and that's exactly what people are trying to break about the future. Sorry I just… I'm done.

David: You have to go first on the perfect future vision.

Stephen: Me?

David: Please. I went first on the last one. I bet neither of us have actually spent very much time thinking about this.

Stephen: I actually…

Dave: I asked because I've been following the conversation between you guys for years. It's just occurred to me that, having the happy conversation between each other may be one you've never, ever heard before. And I thought it might be interesting.

David: That's what I'm saying.

Stephen: I mean there are different perfect futures, right. There's my perfect future, one in which I live forever.

(laughter)

Dave: You could make that happen if you really wanted to. It's in your control.

Stephen: Yeah, and then there's the perfect future of society as a whole. One in which we all outlive I don't know… I was going to say Frank Sinatra. It's been a long day.

David: Yeah, it's getting late.

Stephen: But no, if I had to characterise it in a phrase, I'd wimp out and quote John Stuart Mill, as I have already, "Each of us pursuing our own good in our own way, in such a way that we do not hinder others pursuit of their own good in their own way." What does that mean? I mean for me that's a world of maximal experience, maximal enjoyment of life. A world in which we're not struggling for survival anymore, but rather we are concerned, if we define good in this way, to become the most of what we can be. Whatever that is, whatever we think the most of.

And there will be people out there, and I celebrate them for this, who define that as drinking the most beer they possibly can. And that's okay. Because there will be other people who do the same thing by trying to be the fastest they possibly can. Or go the furthest, or think the deepest, or solve Fermat's last theorem (except that's been done[20], because somebody actually did define that as their own good in their own way). So it's a world of self-determination. It's a world, well it's a world of freedom basically.

And I see open education resources, I see all these resources as the rich expressive language and tapestry in which we manifest this freedom, in which we manifest ourselves. In which we project ourselves, our experiences, our values, our beliefs, to our friends or family, to the rest of the world. To, you know, as much or as little as we want. So I see this as a world in which we are immersed and engaged, you know, as fully as possible in all the potential possibilities of experience, of being human. And I know that you asked for a utopia, so you get that kind of utopia when you push me on it. You asked me to go first.

David: I still don't know what to say. I was stalling by asking you to go first. If I answer the question of what, what the utopia would look like, I will end up waxing spiritual very quickly. So for the benefit of everyone in the room, I'll just pass over that part of it. But what's the utopian end all for OER or for the

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[20] http://www.pbs.org/wgbh/nova/proof/wiles.html

open education movement or something like that, is still something I don't know the answer to. Oh I'm going to totally cop out with a great quote.

Dave: You can quote Stephen now...

David: No. I'm not going to go to Mill, I'm going to go to Linus Torvalds actually. So, so in talking about the design of software, Linus said that, said "Don't ever think that you can design something better than what you get from massively parallel trial and error with a feedback cycle. Because it's giving your intelligence way too much credit."

Stephen: Yeah.

David: And I know there are people in the world that have a goal of the way that they think the world ought to look and the way it ought to work. And they work, they work themselves silly toward this goal that they think is this useful thing. I'm going to end up waxing slightly religious anyway, so…

Stephen: Go for it, I don't mind.

David: I'm a Mormon, so that's what you get when I'm at the front of the room. My approach to life is very much I roll out of bed every day and whatever it feels like God wants me to do that day is what I'm going to do. And if it means changing universities, or changing fields or changing my research direction, whatever. Whatever feels to me like is the thing that will be most useful to him is what I'm going to do.

And so I think that way of thinking, combined with this view of Linus's about "Don't try to have this end plan that you drive relentlessly toward." But try to foster a lot. Be open to all these possibilities of things that can happen. And people try things and some will fail and some will succeed. And if you make that experimentation low cost enough and low risk enough, then more people can engage in it. And the more people try, the more will fail. And the more fail, the more it will succeed.

And to me, OER is interesting because, as a platform, I think it lowers the cost and it lowers the risk to different experiments in education, with different models of… you know Jim left, blowing up the university, and doing something completely on the outside. Well that would be really expensive to do if you didn't just happen to have all of MIT open courseware bootstrapped for you, or something like that. So inasmuch as OER would facilitate all of these experiments, the vast majority of which would fail, some of them would be really useful.

And we - okay I'm not going to speak for you - I've seen things, I've seen OERs that I've made open, the most interesting things have ever been done with them were things I never, ever anticipated. But that's what happens when you're open. So for me the utopian goal for OER is that OER actually provides this low risk, low cost, very inviting platform for lots of experiments and lots of failure. Which leads to then success, which turns out to be progress toward access to education for everyone. Which then goes - you know, just being educated isn't the end goal; there's other ideas about having, living the kind of life that you want to live, and things like that. There is a saying that if you want to make God laugh, tell him your plan, you know. Which I like. I think that's a Jewish saying. I'd be happy to be corrected by someone in the Twitterverse or something. That's very much my approach to it.

I'm going to keep doing experiments. The vast majority of them are going to fail. Maybe the open conduit thing is the one thing in my life I'll get right. Or that was useful, you know, that made a contribution. But I'm going to keep trying because it's fun, and it's what I do. And if OER makes it possible for lots of people to do that, then we eventually make some steps forward, then I think that's the best we can ask for.

Stephen: Yeah, I think that's actually a point of commonality. And the commonality is the recognition that we're not going to be able to manage or organise or plan our way to this future state, whatever it happens to be. And not only God laughs, but nature laughs when you try to plan. Because I mean, there's a certain sense in which it's impossible, there are so many things that could happen. And there's a certain sense, a more important sense that the act of planning is at the same time an act of fooling ourselves into believing that we have a causal agency and indeed an importance in the course of history that we don't in fact have.

I'm very influenced right at this moment because I've been reading *War and Peace*[21]. And I'm almost done *War and Peace*, which is one of these things I never did plan would actually happen but it looks like it's going to happen. And one of the themes of *War and Peace* you know, of course *War and Peace* is about the Napoleonic Wars and all of that. And Napoleon caused this, Napoleon caused that. And Tolstoy looks at it and says you know "What caused the invasion of Russia? Was it just Napoleon saying one day 'I'm going to invade Russia'?" Well no, obviously not because all the individual people, the hundreds of thousands of men in his army each had to have some motivation for marching in that army and being part of that invasion. And it is not possible to even imagine the full scope of that hundred thousand sets of motivations. I mean, Tolstoy struggles with a dozen, and takes almost a thousand pages just to cover a dozen of these people and their motivations, much less a hundred thousand. So we cannot possibly imagine that we can plan out this future society. Which means, as you say, we have to try many things and fail cheap. And actually Terry Anderson and Randy Garrison have a whole theory of organisational development that they advanced along this idea of, you know, being able to fail cheaply[22], and having…

A2: … fail fast.

A3: … and fail fast. So that means that, you know, the more organised, the more structured, the more set up these things are that we're creating, the more likely it is that we're going to fail expensive rather than fail cheap. So I mean a big part of the picture that I have revolves around that. It's like I just have a mistrust in these theories of organisation, these theories of learning that say "We're going to manage our way to success. We're going to manage our way to an educated population. We are going to do it for you. Just give us enough money and we will have a plan, right." And we know through history that…

[21] http://www.gutenberg.org/etext/2600
[22] http://www.extension.usask.ca/CJUCE/articles/v25pdf/2511.pdf

even things like the invasion of Russia fail. And if you can't do that… well I shouldn't say it like that, but you know what I mean…

David: Can't even invade Russia! What's interesting is that line of thinking, which I think we have in common, leads you to that conclusion. The conclusion it leads me to is, I can't see far enough into the future, (a) because there are so many variables and because (b) I don't really understand what I think God's plan for me all the way down the road is. What I can see is kind of the next door that opens to me. You know, the next opportunity to do something. And you know, I try to take those opportunities and that results in me taking, you know, what I would characterise as kind of pragmatic, within the system kind of hackish approaches to trying to make progress from inside, because that's the next opportunity that presents itself to me. That's what looks like could be done, and so you know… that's the conclusion that it leads me to. But it leads you to a very different one.

Stephen: Yeah, because I see those as course corrections in the Titanic after the iceberg. Sorry I don't mean to… but sometimes these phrases just come to me.

David: No, you're allowed to be as pessimistic about that - not that you're a pessimist in general - about the future of formal education as you want. I think it continues to be a valuable part of a more dynamic eco-system in the future. I think it's worth doing what we can to save, because I think it makes a valuable contribution.

Stephen: But there's a difference between saying "I can't manage the future", and "I can know nothing". And we could mess around with different meanings of the word "know", but I won't get into that, because we've already done semantics and theology; we can leave epistemology out of this for today. But, but what we can know in a pragmatic everyday sort of way is, we can have some sense of… how do I want to put this? I mean, if you were building a bridge, you would probably build your bridge based on fairly simple Newtonian mechanics, right, forces and stresses and materials, properties and things like that. And although you couldn't see everything there is to know about the bridge, you know, will it be used to, I don't know…

David: … invade Russia.

Stephen: … invade Russia, or will it be used to send Russian wheat to France, who knows, right? Nonetheless, you can still come up with some idea about building bridges, and how to build a bridge that will last, versus how to build a bridge that will collapse, you know. Depending on your intention, you might want one or the other.

And I think the same is true of organisations and structures and societies. And I think that there are corollaries to the statement that "We can't manage our way to the future". We need many voices, things like that. I think that we can structure… or at least do the small things that help structure our systems, our social systems and our institutions, in such a way that they don't depend on somebody doing this plan.

A simple example: courses. Open educational resources. If you're building open educational resources, and you want them to be re-used, do you build something really, really complex and very specific, or do you build something fairly general and non-specific? And you already know the answer to that question, because you wrote a paper about it.[23] The more complex, the more specific, the more tightly defined the resource that we're building, the less likely we're going to use it.

David: If, and this is very important, *if* it doesn't have an open licence. If it does have an open licence, now that complex, very specific thing is wide open. And it's something, so this is a ten year old learning object, sorry, for those of you just joining us at home. If this resource is very specific and very contextualised and talks about last night's *Friends* episode or what happened on *Lost* or something, put in this very specific context. And I don't have permission to make any changes to it.

And this comes back to my OER as a learning object, plus an open licence. If I don't have permission to do anything with it, then I look at that, and the odds of it being perfect for me are very low, so I pass on it, just punt on it. But if you give an open licence, then you can add all this flavour of the television show and this and what the current events were when it happened. And I can say "Not so much of the cartoon foxes, my kids would prefer cartoon okapis". My daughter's a nut for okapis[24].

Stephen: And I don't even know what they are.

David: There sweetheart, I said okapis for you. They're related to the giraffe.

Stephen: Okay.

David: Anyway, I can take the foxes out, put okapis in and she would learn Ruby like a madman, because it would be something cool for her. That paper that talks about how you can't use things that are really specific was written by me, author of one of, you know, open content licences, just assuming that you can never change anything – you had to use it the way you found it. Now when you add the open licence, it changes everything.

Stephen: Now let's conceptualise that. I love doing that. Because, now, what is one of these resources? And I'm mentioning this, I'm going this way, because I want to bring in the context of mixing licences. Because we haven't addressed that at all.

David: And I have one question I really do want to ask before we're done. So I'm going to hold onto that, do the next one first.

Stephen: All right, so… Because we could look at *Why's Guide* as a single undifferentiated entity, in which case a licence that applies to the whole must, by definition, apply to every part, right. But the way you've just described it, and I think this is true, we shouldn't really think of it as one individual, one single entity, as a bunch of things brought together. Bits of which can be swapped out as needed. Really *Why's Guide* is, you know, first paragraph, second paragraph, image, anecdote, so on and so forth. All of

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[23] http://cnx.org/content/m11898/latest/
[24] http://en.wikipedia.org/wiki/Okapi

these things combined. The thing as a whole, just as with an assemblage of words, has an identity, it may have a licence attached to it, but that licence does not apply to each individual word in the document, nor does it apply to each individual entity, picture, whatever in the document.

So I think we need to think of these things, you know, these resources that we put together, not as single, undifferentiated wholes, but as collections, where it's the organisation of these parts that may have a licence attached to it. But that licence does not necessarily, and should not apply to the individual parts.

If that's true, that first of all gives me the 'words' that I need for my conversation for us to have in order to develop as a learning community. Because each one of these parts now constitutes a word in that conversation, and a guide like *Why's Guide* is somebody saying something with these things. But also it addresses the question of mixing licences, because it doesn't matter if the picture has a license like 'non-commercial' and the first paragraph has, you know, whatever. It doesn't matter because the licence doesn't apply to those parts – it applies to the whole. Does that make sense? I say that when it began to trail off.

David: I think there's a possible world in which it makes sense. Does that make sense?

Stephen: If you're Robert Stalnaker[25] it makes sense.

A2: …or if you're Ted Nelson[26]. I think if you really want a world in which each paragraph and each licence and each whatever, has its own copyright attached to it, and you're not…

Still if you take a bunch of things and put them together to produce something new, that new thing that you produced is a thing. And now it's going to be copyrighted and you're going to have to talk about how you want to license it, because that's just the way it works. But that doesn't mean that the licence for the whole thing has… you can say you know this particular sequence of things, this organisation, this way of doing things has a certain licence. But if you look down inside it, the individual parts may have varying licences or something like that. If you really, if you didn't want to combine them into a whole.

Stephen: Yeah, I see, it's when we treat these digital resources as though they were physical things that you get into trouble. When you try to gather it all together, and produce this package that you'll put on the shelf, that's when you get into trouble for licences. But you know, if we just live in a connected world, then you can assemble your resource the way George and I assembled our class – we didn't move pretty much any digital resource anywhere, we just linked to them. And so when you just link to them, the resource sits where it sits, it has the licence that it has, and the only licence that we have applies to the set of links, if you will. Now it's when we try to gather things in and treat it as though it were a print resource and has to be packaged and bound and shipped out in containers that we get into licence problems.

David: I'll agree with that, but no, I'll agree with that and…

[25] http://en.wikipedia.org/wiki/Robert_Stalnaker
[26] http://en.wikipedia.org/wiki/Ted_Nelson

Stephen: I see you've been through the programme.

David: Thank you. And I think there are times when it is valuable to pull things together and gather them together and present them in a unified package. So in cases when that's true, then you have to deal with licence compatibility issues.

In cases where it's not, you just link to everything, and if the navigation is different and the colour is different and this is here, but it's on the right hand side on this page and the left hand side… If a learner has enough spare cycles to navigate all the different navigation schemes and look for things here when they were there on the last page and whatever, then you're great. But I think if you're in a situation where so much is being demanded cognitively of the student already, that a lack of uniformity in the interface makes them think enough that it distracts meaningfully from what they're trying to learn, then I think you do have to deal with pulling things together, putting them in a unified package, unifying the navigation process and trying to simplify that for them.

I'm not saying that you always have to do this, but I'm saying that there are some cases where you'll want to. And in those cases, you will have to deal with licence compatibility issues. But the open courses that I've done, I've done exactly the same way you have – I've left things where they are, they have the licences they have, I produce a set of links with annotations. Look for this when you read, you're going to answer these questions when you're done. That has a licence of its own and it doesn't owe anything to that content that's still out there licensed the way that it's licensed. So it can be avoided, but it probably can't always be avoided well.

Stephen: I'm not such a believer in the thesis that "there is a limited cognitive load that the student can handle so we have to get rid of all the extraneous stuff and focus right in on the content."

David: So you believe in unlimited cognitive capacity?

Stephen: No, I don't believe that focussing in on the content somehow lowers the cognitive load. I think that the whole act of getting to the content, the different ways, is part of the learning. Remember we were talking earlier about what is it to know a subject? And we were talking about, and you actually said it, you have to know what the words mean, you have to know how they're used? All of that is the different kinds of navigation, right. You go see these resources in their natural environment, if you will. That is learning about the domain, these resources in their natural environment is these resources presented as they would be found by practitioners in the domain. That is part of the learning.

David: It's part of the learning, but I would say it's construct irrelevant. If you're trying to learn math and also… so one of the things I hate is you get these word problems in math and if you don't read English very well, then now you're marked down on math. And your ability to read English really is construct-irrelevant, if what I want to understand is how great a mastery of math you have. So now if part of my success in being able to navigate the web comes into my grade for trig or my grade for US history, my ability to navigate the web really is not relevant to my mastery of history.

Stephen : You've just sketched a world view in which you have a grade for trig or a grade for world history. With some very few exceptions, nobody goes out to learn trig just to learn trig, right. I've started it four times, and... That was a joke.

David: You finally got it right four times.

Stephen: I finally passed it. No, actually I passed it all four times. Actually I passed it the first three times and the fourth time I studied it was on my own and that's when I understood it. So it's actually a good story, but it's irrelevant to this current context.

But, I mean, again what is an understanding of math? Is it this understanding of this pure formalism in a context-free domain? Independent of word problems or language or usage or anything like that? Maybe there is a sense to be made of a person whose later career in life is going to be that of a pure mathematician, in which that might constitute understanding of math. But they'd still have to be able to communicate with other mathematicians. Or maybe not, they're mathematicians. But you know what I mean.

For the rest of us, understanding math just is being able to do the word problems. Because the word problems are all there is of math to us. And without the word problems, the rest of it is completely superfluous. You wouldn't care, you don't care about the relation between x and y being thirty miles an hour and forty miles an hour, unless there's two trains headed straight towards each other. That's when it really matters. You see what I mean?

So we've taken these domains of knowledge and sliced them and diced them in ways that are very advantageous to the publishing industry, but not advantageous to our comprehending what it is that we need to comprehend. We don't need to know trigonometry properly-so-called, we need to prevent trains from crashing into each other. We don't need to know geometry, we need to know how much mulch to put on top of our garden. Those are the things that we need.

And the context here, you know, the context of the learning, in my mind, ought to be you know, the learning of how to manage trains, or the learning of how to manage a garden. And the math is just incidental to that. The taking of this mathematical content and arranging it into these large predefined, almost indivisible structures actually makes it harder to go about doing the things that we want to do. "I just want to run a garden." "Well you have to take forty hour course in math." It makes no sense.

And to go back even to the discussion that we had earlier, we're going to take this course, the forty hour course in math, ninety per cent of which we will never use, at least not in the next ten years. And which therefore will be completely forgotten, and then we're going to call that efficient. So it's not making sense. It's not efficient. To a large degree it's not learning.

David: So do you think about liberal arts education as being efficient or learning? Because it seems to me that here's something very broad ranging which may or may not have any direct applicability to your life, but I would expect you would be a proponent for very broad ranging, lot of philosophy and literature and something else.

Stephen: Well, let's take *War and Peace*. *War and Peace* is pretty relevant here. I'm reading *War and Peace.* I'm not reading *War and Peace* to remember it, which is a good thing. I'm reading *War and Peace* because I want to immerse myself in this experience. So the immersing myself in this experience, that is the thing I value. That's the liberal arts thing that I value. And the "content" that I get out of *War and Peace*, isn't something that's going to be contained in *War and Peace*. It's going to be what becomes of me after I read *War and Peace*. So you know, we talk about efficiency, say well "Is *War and Peace* the most efficient way to get to, well…"

David: Whatever it is, the answer's no.

Stephen: Well what…

David: A thousand pages.

Stephen: Well not even that. The question doesn't even make sense. Because I don't know what the results of the experience will be. It doesn't make sense to talk of having efficient experiences. Is an experience of camping in the mountains more efficient than the experience of walking through a forest? Makes no sense. Are they educational? Unquestionably. Why are they educational? Not because we remember some content, although that might be an epiphenomenon of this, but because of what we become for having done so.

David: So did I become something useful for taking a structural equation model in class, even though now I don't remember the specifics of it?

Stephen: Did you become something that you wanted to?

David: I think so.

Stephen: You think so. I mean, I don't even know what you became as a result of that.

David: This.

Stephen: This. Well…

David: Yeah, well maybe you better not comment.

Stephen: I was just about to say, right something that is not me, okay.

David: Can I come round to my question because we're running out of time.

Stephen: Yeah, absolutely.

David: So as you know, I know you know, because you covered it, a student of mine at Utah State just did this study of the rates of reuse of open educational resources in the Connexions repository[27]. And for those of you who haven't read the dissertation, what he found is that there's basically no reuse. By

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[27] http://www.archive.org/details/PatternsOfLearningObjectReuseInTheConnexionsRepository

reuse I mean, I should say there's no, no revision, no remixing, no translation, no enacting of the rights granted by the open licence by people who come to visit these resources basically. So in a collection of fifty-five hundred some modules, I think he found ten that had been changed in any way five times or more. And this is one of the better established, older collections of material.

And in addition to having the material on the site, the site also has all the tools you need to make changes and do things, and it tracks it all automatically. And we thought "If we're ever going to find it anywhere, this site is kind of, in some ways the best case scenario, of going to look for how much reuse is really happening." So when I started quoting numbers in the sub one per cent range, I had a not very brief panic attack. And I said "Basically yes there are half a million people every month that come to this site, whatever. And they use and reuse this material just exactly the way they find it, which is in no way any different from the way in which they interact with CNN.com, or the BBC's web page. They come, it's free, they read it, they go away."

We go to all this extra trouble to scrub IP and do all these things, so that we can apply an open licence, and then it turns out that basically no one actually enacts any of the rights that we gave them by all this huge additional effort. They use MIT open courseware, they use Connexons, they use courseware the same way that they use CNN.com which is they come, it's free, it doesn't cost anything. They read it, it might be fully copyright, it might be open, they don't know – they use them in the same way, they just read it and they go away. So I asked myself if this is the best case scenario, is it even worth it? Is all the trouble of openly licensing educational materials worth it? Because it seems to me that we go to a huge amount of trouble and effort and then basically no one does anything with it.

Now you can, there are a couple of things you can argue. (Aroshbiss?) will argue with me that half a per cent is a huge number. Which is one way of looking at it. Another way of looking at it is even if only one person does it, then that's incredibly valuable, because they could never have done it before. But I really spent a period of time… I think I'm kind of over the crisis of faith stage of it. And now I'm just into the "how much sense does this really make?" stage of it.

Stephen: My interpretation of that is that it is the system working as it was designed to work. You've got people out there who are being told that under no account should they re-use things. Right, so the meeting up of content which they can use is the exception rather than the rule to a large degree. And it's not even content that they like (nothing personal or anything like that). But I mean, they're much more interested, as am I, in music and cinema and television and books than text on whatever. You know, so it's not up there in my list of things to be reusing. If I was going to be re-writing something, I'd be re-writing, I don't know, *War and Peace*, and not a textbook on statistics.

So, the main thing is, I think we're looking still at a generation that has brought up thinking of learning as something that they receive passively, rather than something that they are engaged in the process of creating for themselves (I very deliberately don't use the word "constructing", because I'm not giving a constructivist discovery learning theory here). But I do believe that over time, if we work toward the sort of educational system I think that we need to work toward, people more and more will become more responsible for their own learning. And for the simple pragmatic reason that we cannot afford, as a

society, as a global society, to provide it for them – it's just too expensive. We don't have the resources on the planet to do it.

So any way of accomplishing education for all is going to be people creating their own learning for themselves. But we are a long way from that, and we are still to a large degree, and it varies a bit from society to society, but to a large degree, still presenting education as something that we provide for you. And you as the recipient quietly and passively receive. And so that's how they treat open educational resources. Of course they would. That's how they treat movies, that's how they treat television shows. That's how they treat, under penalty of lawsuit, music.

You know, I mean we shouldn't expect anything else. So there's a challenge inherent in the entire project of open educational resources, not simply to make resources open. And again, if we go to the Internet we can find twelve million pictures of ducks, five million of which are open. Or whatever those numbers were, I've no memory whatsoever. But you know what I mean? It's not so much that, as fostering this environment where it's okay to create new things out of existing things. Just as you know, when as a society we were becoming literate, we had to go through a stage to convince people it was okay to make new creations out of pre-existing words. You know, even the novel is a relatively recent invention. And the whole idea - you know it's funny, novel still means longish book and something new. There's an interesting coincidence there. I'm not sure there's any significance to that coincidence, but it's there. But do you see what I'm saying?

David: Yeah, it sounds to me like what you're saying is "Yes it's worth it. David you just need to be patient for people's mindset and culture to catch up with the, excuse me for saying, affordances of open educational resources".

Stephen: Not just that, that but also don't be so concerned to build really beautiful courses. Because especially now it's an awful lot of work for something that, as you quite properly point out, isn't going to be re-used.

David: But the Connections stuff is just module by module by module. In some cases those modules are put into something that they call a collection, which is roughly analogous to a textbook, but this is really a series of fifty-five hundred modules not courses. These are much more bazaar than cathedral[28], and yet still…

Stephen: Yeah, well but…

David: … nothing. It's kind of… And ten years…

Stephen: But people still, they…

David: … still isn't long enough.

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[28] http://catb.org/~esr/writings/homesteading/

Stephen: … they have to do their learning inside these content enclosures where they pay tuition and they sit passively and that's how they learn, right. I mean, no wonder there's nothing. The only people at this moment who are going to re-use these things are university professors, and they actually have an incentive not to use these things.

David: So if MIT open courseware were fully copyrighted, but freely available, you could go there, you could surf it, you could read it, you could do everything, you just, it didn't have Creative Commons on the bottom, it just said "copyright" on the bottom, what in the last ten years, would the world have lost?

Stephen: Well… Pardon?

Dave: Slightly different in China.

Stephen: Be different in China?

Dave: There's a lot of far ranging consequences I think to that that aren't so much about the reuse of.

David: Although I can tell you… can I say this while we're recording?

Stephen: Go for it.

Dave: I can turn it off.

David: You're not the only one recording. In an early meeting, this would be like 2002 to 2003, where twelve or so people were in a room together, and talking about open courseware and there were representatives from different projects. There is a representative who will remain unnamed from a Chinese group of people and a representative of open courseware that will remain unnamed. As we all went around complaining about "Oh my gosh you know, IP and copyright clearance and open law, that whole part is like half or two-thirds the cost of these projects that we do."

The guy from China just started laughing and said "We don't care." And we all thought "Oh he's caricaturing you know, he's mirroring back to us our stereotype", we all laughed at his joke and then he wasn't joking. And if you think that the cost is somewhere in the neighbourhood of maybe half of an institutional project, that MIT is four million a year, roughly, the ongoing cost. You're dropping two grand over, two million a year, just on IP clearance. And then what are, what are people making of this two million dollars that year after year after year you're investing? They're not exercising hardly any of the rights.

Stephen: I don't…

David: … with the obvious exception of people who translate directly into another language. Which to me is not the most interesting kind of revision or remixing, it's just…

Stephen: Let's think about this, I mean this is money spent on IP clearance, it's kind of like foreign aid money that's spent in New York. I mean it's like, it's being sent directly to the people who need it the least. I mean, why spend this money on IP clearance to begin with? I mean…

David: This is the question I'm asking.

Stephen: I mean, if I were designing an open educational resource system, I would not be trying to clear IP from commercial content. I'd trash that – seriously. You know, we've got a whole community of people who can create things, create capacity for that community, in order to create. And forget about clearing IP. I mean, that's ridiculous, it's a total waste of time.

David: Just create it from scratch.

Stephen: Just create it from scratch. Do you think Wikipedia spend any time clearing IP on stuff? You know I mean, they have you know after the fact, you know, if somebody uploads something, they'll take it down. But you know, they don't pre-screen all of their content. The project would have been impossible. It would have cost hundreds of millions or more.

David: It would have been Newpedia.[29]

Stephen: Would have been Newpedia exactly, you know.

David: That was a joke.

Stephen: Yeah, but you know, again it's this "open educational resources attempting to replicate what was there before." Forget what was there before. We don't need to replicate the entire publishing structure, you know, we don't even need Wikipedia for that matter. Even Wikipedia is a bit too much like the existing "there is an encyclopaedia, it is the repository for objective neutral point of view knowledge". Which in the end will be the death of Wikipedia. But that's also a separate issue. We don't need to replicate what was there before. All we need to do is say "We are going to create open content" and then just create it as a community. But we have to get past this idea that "there are experts, and these experts will be the ones who create the content, and then we'll disseminate it out to the masses, and we will pay the experts out of these foundation grants and all of that."

David: Isn't there something very odd about a movement whose goal is reusable material, that can't reuse any material, and has to create everything from scratch? Isn't that weird?

Stephen: You know it would seem odd, except the people we are entrusting to do this are the people who benefit least from open content. So you know it's like entrusting, you know, a property management company to manage your free housing, right. What they really want to do is get people into the paid housing. So they'll do a little bit of free, but really the big… I don't know, that analogy is falling apart.

David: Like most free housing actually.

Stephen: Well yeah, because we use construction companies to build free housing, rather than the people who are going live in it. I would bet you if people who were going to, well like Habitat for

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[29] http://www.techtree.com/India/News/Interview_With_Wiki_Founder_Jimmy_Wales/551-96644-643.html

Humanity[30], where people actually do participate in the construction of their own homes, those homes aren't falling apart. And those homes aren't abandoned the minute they're uninhabited.

David: But they do need to make code, and they do need to do some things that require some, forgive me for saying it, expertise.

Stephen: Yeah, but the…

David: So you can use a large army of volunteers and whatever, but at some point you've got to have a couple of people who know what to do.

Stephen: But again, the entire world is not made up of novices, right? There is a huge body of existing expertise in the world now. And for that matter code exists in houses mostly to protect people from commercial house builders who cut corners. You know, code doesn't exist to make it harder for somebody to build their own house. Although arguably, a lot of code functions in exactly that way. If we were a nation where we built our own houses, our entire housing code would be different, right. And inspections and codes and all of that would help people build better, rather than preventing crooks from cheating homeowners.

Dave: Gentlemen I'm sorry, we have two competing schedules. One of them says 4.30, one of them says 4.45, so…

David: Mine says 5 o'clock.

Stephen: There is a request to at some point talk about accreditation and we should probably address that. So maybe…

David: Okay. So let me restate what I think you're saying. I think you're saying that open education is something good and we ought to keep doing it, but we don't necessarily need formal institutions involved; it should be something that's done by loose knit networks of people and formal ed should stay over here and open ed can be over here.

Stephen: And also, to make the point even more strongly, formal institutions and actual publishers have to date been swallowing and absorbing most of the resources that we've been spending on open educational resources. And this is not a good thing.

It's kind of like we have this big vacuum of commercial enterprise, sucking all the money away from open educational resources and profiting themselves, and we still don't have the resources we wanted. And hundreds of millions of dollars have been spent. And it didn't go to the people who could be producing these resources; it went to commercial publishers, institutions. Think about it, I mean MIT got funding to do open coursework. MIT! I mean… talk about institutions that don't need more money.

David: It's stunning, when I first was thinking about doing open content, I sent an email to Eric Raymond and an email to Richard Stallman and I said "Hey I have this idea. Do you think it would be useful? Do

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[30] http://www.habitat.org/

you think we should do it?" Eric immediately said "Yes, and you should call it open anything." And Richard said "Yes, you should call it free anything. I don't care what the second word is – just make sure you call it free…" Actually Eric wasn't nearly so dogmatic. But Richard's comment to me was "You should do it. You should call it free whatever. And if you actually care about it, you need to drop out of your PhD programme, you need to get out of academia, you need to do whatever. Because all of that stuff is just going to get in your way and. Look, would Linux have ever have happened if I did a PhD?" Richard says to me. "You need to abandon that whole thing, just get out of all of it and come, live in the woods or do whatever it is that Richard does." And he told me that if I didn't do that, I wasn't a moral person, and you know these other things. So we don't speak much any more.

Stephen: I got into an argument with him when I was in Barcelona, and he said "And do you know I have an office at MIT." I saw it, it's a cardboard sign. And people say things and do things…

David: But if I can say this without making it sound personal, then from your perspective, I should get out of the business of open education as long as I'm part of the system of formal education and have an academic appointment. And answer that without considerations of personal feeling.

Stephen: Well no, I mean, it's the old, "all leftists must be in poverty" argument. I hear that a lot, being someone from the left.

David: I hear you're saying, but you're saying formal ed just needs to stay out of this business, and I'm a formal ed, for better or for worse.

Stephen: No, what I'm saying is, in your role as formal ed, that is you know professor of an institution, or the owner of a publishing company…

David: Let's be clear – employee of a publishing company.

Stephen: Oh, I thought you owned it.

David: Not an owner. I'm not one of the founders.

Stephen: All that street cred that you brought in, you couldn't get ownership?

David: No, I have a little ownership, but I'm not a founder.

Stephen: Yeah, but anyhow, in those roles, if you are diverting funding for open educational resources to, say, your university…

David: … and away from…

Stephen: … away from…

David: … would it go to Joe?

Stephen: Let's say Joe.

David: Joe's going to send a proposal to NSF or the Hewlett Foundation, saying "I can do something".

Stephen: No, of course not. The entire mechanism of sending in proposals creates a system in which people who become expert at sending in proposals get funded. And that tends to be people who work at universities or people who work at companies.

David: I don't think that funding is diverted. I don't think there's any chance of Joe receiving any of that funding; I don't think you can argue it's been diverted away from him. There was never any chance of him receiving it.

Stephen: He never had a chance. Yeah, there was no chance we were going to give Joe democracy so we don't live in fascism.

David: Yeah, absolutely. I was just thinking that myself.

Stephen: Yeah, okay.

David: Poorly done but effective.

Stephen: Our system of accreditation in a sense mirrors our system of open educational resource, well our system of education, right? Accreditation, education - and it's not surprising that the parallel's there, because it's all part of the same system. And we work with a system of accreditation which functions very much as shorthand for it. You have a Bachelor of Arts, you're presumed to know such and such.

And, where am I going with this? Where I want to go is on the one hand, the current system is too clumsy, it's too coarsely grained. On the other hand, the current system perpetuates a structure of learning that is itself too coarse (I don't want to say too inefficient, having spent almost an hour trying to undercut that concept). But you know what I mean?

David: I mean, to me accreditation is about proving to someone else what you know. But actually studies have shown rather consistently that you have a very poor idea of what you actually know. You don't actually know what you think you know.

Stephen: Right. And the less you know, the more you think you know.

David: Yeah, and vice versa.

Stephen: Vice versa, yeah. Which explains a lot.

David: It seems to me, and I will go straight to it, it seems to me that accreditation is about efficiency and scale.

Stephen: Well yeah, it is about efficiency and scale – that's true.

David: I am IBM, I'm going to hire five thousand people this year. I'm going to have twenty-five hundred people apply for each position, and I just cannot review a portfolio of authentic experiences and arguments provided by each one of them. I want an objective, supposedly, third party to make some

representation to me on their behalf that they do have the set of skills that I need in this position. And if there's somebody that's willing to play that role, now I can have a lot more people apply for my job, I can make the hiring process a lot more efficient, I can scale it.

And the university's role as an accreditor is simply that. Because if you're just getting a degree so you can say "Yay, I have a degree", you wouldn't pay the money. You'd just read the stuff, you'd do whatever. The vast majority of people want the degree as that objective, third party representation to an employer. So the future of accreditation question for me is "Who else and in what other way can you fill this supposedly objective role of third party representation to an employer?" I think that's the whole game right there, as far as accreditation goes.

Stephen: Well yes. Shall I say "and" or "but"?

David: Say "and".

Stephen: And what we also got for our money was a system that pre-screens out for us all the poor people and all the foreigners.

David: Well not the foreigners.

Stephen: Yeah, because if you don't have a US degree, IBM won't hire you. Unless…

David: There are foreigners with US degrees.

Stephen: Yeah, but those are the rich foreigners. And by the time they've come through, they're almost not foreigners any more.

David: Well I'm not going to go there with you.

Stephen: But…

David: You're on your own with that.

Stephen: But I mean if it was, if the intent of the university system was simply… and the accreditation was simply to determine who has and who hasn't the knowledge, there wouldn't be the requirement of paying what was it? A hundred and eighty-nine thousand?

David: … and eighty-nine thousand for MIT.

Stephen: I mean because we know that it doesn't cost that to determine whether or not somebody can programme a computer, even creatively. And, but the guys at IBM are going to look at that MIT degree and they're going to say "Screen him in."

No, not because they have knowledge, because the MIT degree is neither necessary nor sufficient to establish that the person has the knowledge that you need. Not necessary obviously because you could have the knowledge elsewhere. And not sufficient, because the knowledge that MIT taught you might

not be the knowledge that you need on the job – there might be a mismatch. You don't know because you haven't looked at it.

David: Or you might have cheated your way through class or there's all…

Stephen: Yeah. What you are buying with, when you hire the person with the MIT degree, is that person's social standing, that person's connections in the community, that person's demonstrated capacity to raise a hundred and eighty-some thousand dollars, to buy something that has no inherent value.

David: Or the bravado to go into two hundred thousand dollars in debt over something that has…

Stephen: Well you have to have more than bravado to get two hundred thousand dollars in debt. You have to have a house.

David: Maybe this year you do. You didn't have to last year.

Stephen: Yeah. No, well that may have been true in the States, but you know in the rest of the world you actually had to have some assets before you went two hundred thousand dollars into debt. In the United States a promissory note and a dog, that would have done it. And the dog was optional.

David: The interesting question to me is if, I think Western Governors is a very interesting model of next generation accreditation, because in the US right now it's real popular for companies to try to bundle phone, TV and Internet all in a package and buy the whole package, and whatever. Which in some ways is the university model – "We can provide the content, we provide the tutor, we provide the assessment, it's all in a bundle." And you either eat the whole thing, or you don't get any of it. Whereas, when I talked about the disaggregation of higher ed, I'm talking about those individual pieces pulling off into distinct units.

Stephen: Sure.

David: Western Governors doesn't offer any courses. They provide some kind of advising… it's not content tutoring, but like, "these are the things you have to do if you want to get this degree" kind of level advising. And they really are just the accreditation piece, they're not the courses, they're not the other things. And it seems to me like the next step in this, how this unfolds is people pulling… I can imagine people that offer courses with no accreditation. Just as easily as you can imagine a university that offers accreditation with no courses.

Stephen: I've done it.

David: A lot of faculties have done it actually.

Stephen: I mean, even the Connectivism course, for the non-signed up people, is a course without accreditation. This raises the question - because accreditation is still monopoly economics - whether Western Governors University will give credit to any particular student who satisfies the criteria. But I

can't offer a course, or no, more accurately, I can't offer a credential that can be offered through Western Governors University. Does that make sense?

David: Yeah.

Stephen: So I can't offer my own credentials.

David: Through Western Governors. You can offer them on…

Dave: Ahem, summary remarks? (Voices talking together)

Stephen: I'm not sure that that's legal.

Dave: I know. It's almost like I'm the moderator.

Stephen: I mean, (laughter) there exists to this day nonetheless, government sanctioned monopolies on credentials. I cannot offer a university degree. I'd like to. It would be a good source of revenue. I could probably retire off of ten students, especially at MIT rates. And maybe I could even find people to pay that, but I'd probably have to work. But in fact I can't. I think within our lifetimes that will change. I think that within our lifetimes the government sanctioned monopoly on university credentials will be lifted. And interestingly I think it will be lifted not because it's unfair, not because it keeps out the poor or anything like that, but as a way for governments no longer to have to pay to fund the university system, which they won't be able to do.

David: Well they're going to name them deregulation or anti-competitiveness...

Stephen: Well that's, yeah, everything is passed in the name of deregulation. But what it usually means is more monopoly. But really, the reason why they'll do it is they don't want to pay for the university system anymore. Because what is it that you buy when you go to MIT? It's not the learning, it's not the instruction, it's not even taking a test and having it marked. It's the buddy-buddy network. And people don't want to pay for the buddy-buddy network.

I've said sometimes some things like, that I've written in the past "governments aren't going to want to pay for social clubs for rich people anymore." And I think, especially as finances get tighter, that's going to become more true. And we're going to see the monopoly on credentialing lifted. That's when you're going to start seeing your reuse. That's when you're going to start seeing these open educational resources actually mean something.

David: But I think, so I agree with that, but…

Stephen: Not "and"?

David: Not "and". I agree with the last part you said. I think social clubs for rich people are Yale and Harvard and Stanford and MIT and these places that the government gives them no money. They're not publicly funded, they're private, often endowment. If you come to Utah State University, where it's, well used to be majority…

Stephen: I think it's quaint you think MIT and Harvard and all that get no government money, but we'll leave that aside.

David: You understand where I'm coming from though?

Stephen: Yeah. But I still think it's a quaint belief. It's like saying Boeing doesn't get government money.

David: No, no, no, that's understood. But you compare to Utah State, or Arizona State or something else, where it's primarily publicly funded. And it's not rich kids going to school there. Not like it is at MIT, Yale and…

Stephen: But it's not poor people either.

David: … these other places. You'd be surprised.

Stephen: It's US poor. Not world poor.

David: But the schools are in the US, why…

Stephen: Yeah, but there isn't a Utah State in Johannesburg.

David: No.

Stephen: And probably never will be.

David: Probably not.

Stephen: There may be another MIT or Harvard etc which will suck as much government money as it can, but…

David: Did you want some kind of summary remark?

Dave: I tried to, I said summary remarks and you called me rude.

David: I was only kidding.

Dave: You hurt my feelings.

Stephen: So what we've established is David's an utter failure as… No, I'm just kidding.

Dave: ...an unusual punishment.

Stephen: Okay, actually yeah, we do need to wrap up, and first of all I can't believe you're all still in the room.

David: I can't either. It's a testament to the endurance of the human spirit that you're all still here.

Audience Member: We heard there was a raffle.

(laughter)

Davvid: Must be present to win, exactly. Dinner with Stephen actually, date later tonight, it's what we're raffling off.

Stephen: We did, we have gifts. So thank you to the moderators.

David: Thank you so much, we really appreciate it.

(applause)